



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Jennings at 1:00 p.m. A quorum present—39:

Madam President	Diaz de la Portilla	King	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

PRAYER

The following prayer was offered by the Rev. Richard Lindsey, Rector, St. Alfred's Episcopal Church, Palm Harbor:

Almighty God, in whom we live and move and have our being, we call upon your holy name this day as stewards of our state's rich resources, both geographical and human. In moments such as these, we stand gratefully and humbly as we seek to honor human dignity, respect for all and sensitivity for your creation. Bless our deliberations. Give us ears to hear and mouths to speak the truth with knowledge and wisdom.

In those moments of conscience—uphold us; with our doubts and uncertainties—your silent presence; when we know to be right—grace; with the complexities of life—the will to explore; with the privilege of responsibility and authority—a willingness to give at the deepest levels of our hearts.

In this sacred chamber, dedicated to the citizens of our state, let us see beyond sight, hear the unheard, proceed not alone. Above all, may our outward actions be born from our hearts, minds and souls. I humbly ask this prayer in the name of God Almighty—Creator, Redeemer and Sanctifier. Amen.

PLEDGE

Senate Pages Marshall Connell of Monticello and Bryan Lober of Longwood, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Myers—

By Senator Myers—

SR 1402—A resolution recognizing March 16, 2000, as Doctors' Day in the Florida Senate.

WHEREAS, Doctors' Day was first observed in 1933 on the day that also commemorates the first administration of anesthesia by a physician in 1842, and

WHEREAS, the medical profession holds a special place in the hearts of Americans, and

WHEREAS, Doctors' Day provides an opportunity for physicians and patients to set aside the distractions of today's health-care environment and focus on the medical profession's contribution to society, and

WHEREAS, most physicians work long and unpredictable hours, and many must cope with the conflicting demands of work and family life, and

WHEREAS, the Florida Medical Association sponsors the Doctor of the Day program that provides volunteer physicians during the regular legislative sessions to provide medical care for the legislators, staff, and others, and

WHEREAS, physicians were recently commended by the Department of Health for providing more than \$183 million in health care goods and services to uninsured persons since 1992, and

WHEREAS, physicians devote their lives to caring for people and make special contributions to our society and culture, and

WHEREAS, a red carnation has become the symbol of Doctors' Day because it denotes the qualities of love, charity, sacrifice, bravery, and courage and is worn by physicians and their spouses, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes March 16, 2000, as Doctors' Day.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Florida Medical Association as a tangible token of the sentiments of the Florida Senate.

—**SR 1402** was introduced, read and adopted by publication.

INTRODUCTION OF FORMER SENATOR

Senator McKay introduced former Senator Tom Gallen who was present in the chamber.

MEMORIAL

On a point of personal privilege, the President recognized Senator Rossin who expressed regret at the death of Representative Edward J. Healy, a member of the House of Representatives, District 86.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Clary, by two-thirds vote **SB 1044** was withdrawn from the calendar and further consideration; and **SB 2306** was withdrawn from the committee of reference and further consideration.

On motion by Senator Grant, by two-thirds vote **SB 736** was withdrawn from the committees of reference and further consideration.

On motion by Senator Mitchell, by two-thirds vote **SB 1392** was withdrawn from the committees of reference and further consideration.

On motion by Senator McKay, by two-thirds vote **SB 156** and **CS for SB 186** were withdrawn from the Committee on Fiscal Policy; and **SB 836** and **CS for SB 1002** were withdrawn from the Committee on Rules and Calendar.

MOTIONS

On motion by Senator McKay, a deadline of 5:00 p.m. Monday, March 20, was set for filing amendments to Bills on Third Reading to be considered Tuesday, March 21.

BILLS ON THIRD READING

CS for CS for SB 368—A bill to be entitled An act relating to ethics; amending s. 112.312, F.S.; redefining the terms “gift” and “liability”; amending s. 112.313, F.S.; extending the prohibition against the use of certain confidential public information to former officers, employees, and local government attorneys; expanding the scope of post-employment lobbying restriction applicable to elected local officers; amending s. 112.3144, F.S.; transferring filing administration from the Secretary of State to the Commission on Ethics; modifying the filing location for officers from the Secretary of State to the commission; establishing an automatic fine system for delinquent filers and nonfilers; requiring former officers and employees to file a final disclosure of financial interests no later than 60 days following departure, with certain exceptions; requiring the Commission on Ethics to adopt rules and forms relating to filing amended full and public disclosure of financial interests; amending s. 112.3145, F.S.; redefining the term “local officer”; revising the reporting requirements for limited statutory disclosure of financial interests; transferring filing administration from the Secretary of State to the Commission on Ethics; modifying the filing location for state officers and specified state employees from the Secretary of State to the commission; modifying certification requirements of supervisors of elections with regard to delinquent filers and nonfilers; establishing an automatic fine system for delinquent filers and nonfilers; requiring former officers and employees to file a final statement of financial interests within 60 days after leaving office or employment, with certain exceptions; modifying reporting dates for filing quarterly reports of the names of clients represented before certain agencies for a fee; requiring the Commission on Ethics to adopt rules and forms relating to amended financial disclosure filings; amending s. 112.3148, F.S.; redefining the term “reporting individual”; establishing a reimbursement deadline with regard to the valuation of gifts received by reporting individuals; clarifying that the gifts law applies to candidates; extending the gifts law to include nonincumbents elected to office for the period immediately following election but before officially taking office; transferring the filing administration for gift disclosure from the Secretary of State to the Commission on Ethics; authorizing the Technological Research and Development Authority to make certain gifts under certain circumstances; amending s. 112.3149, F.S.; transferring filing administration for honoraria disclosure from the Department of State to the Commission on Ethics; amending s. 112.317, F.S.; authorizing the Commission on Ethics to recommend how restitution may be paid; entitling the Attorney General to reimbursement of fees and costs associated with collecting civil and restitution penalties imposed for ethics violations; removing a criminal penalty related to the disclosure of confidential information brought before the commission; amending s. 112.3185, F.S.; creating a post-employment restriction for certain agency employees; amending s. 112.324, F.S.; authorizing the Commission on Ethics to investigate potential ethics violations on its own authority under certain circumstances; clarifying that the proper sanction authority in the case of a current state legislator who commits an act in violation of the Ethics Code prior to joining the Legislature is vested in the house in which the legislator serves; allowing the Commission on Ethics to dismiss a com-

plaint that involves a technical or minor error, under specified conditions; amending s. 914.21, F.S.; redefining the terms “official proceeding” and “official investigation”; extending the witness-tampering laws to include Commission on Ethics investigations and proceedings; repealing s. 112.322(9), F.S., which requires the Commission on Ethics to report certain delinquent financial disclosure filers to the Department of Community Affairs; amending s. 440.442, F.S.; transferring the filing location for public financial reporting by judges of compensation claims from the Secretary of State to the Commission on Ethics; clarifying that the Code of Judicial Conduct governs the reporting of gifts for judges of compensation claims; repealing ss. 839.08, 839.09, 839.091, and 839.10, F.S., which provide criminal penalties for offenses by public officers and employees relating to the purchase of supplies or materials and the bidding for public work; creating s. 112.3232, F.S.; authorizing the Commission on Ethics to seek immunity for certain witnesses; creating s. 112.31905, F.S.; mandating educational requirements for elected public officials; amending s. 112.322, F.S.; authorizing the Commission on Ethics to develop and disseminate ethics training materials and programs; amending s. 112.3147, F.S.; authorizing the Commission on Ethics to prescribe forms relating to the public official education requirements and full and public financial disclosure; prescribing requirements for reporting certain assets and liabilities on the full and public disclosure form; appropriating funds to the Commission on Ethics; providing an effective date.

—as amended March 15 was read the third time by title.

Pending further consideration of **CS for CS for SB 368** as amended, on motion by Senator Saunders, by two-thirds vote **CS for CS for HB 181** was withdrawn from the Committees on Ethics and Elections; and Fiscal Policy.

On motion by Senator Saunders, the rules were waived and by two-thirds vote—

CS for CS for HB 181—A bill to be entitled An act relating to financial disclosure by persons assuming or departing public positions; amending s. 112.3144, F.S.; requiring former officers and employees to file a final disclosure of financial interests no later than 60 days following departure, with certain exceptions; requiring certain notice be provided to those required to file financial disclosure; amending s. 112.3145, F.S.; redefining the terms “local officer” and “state officer” to include certain elected individuals who have not officially assumed the responsibilities of office; requiring former officers and employees to file a final statement of financial interests within 60 days after leaving office or employment, with certain exceptions; requiring certain notice be provided to those required to file financial disclosure; amending s. 112.3146, F.S.; specifying that certain financial disclosure statements are public records; amending s. 112.3147, F.S.; directing the Commission on Ethics to prescribe forms for financial disclosure statements; amending s. 112.3148, F.S.; redefining the term “reporting individual” with respect to the receipt of gifts; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 368** as amended and by two-thirds vote read the second time by title.

Senator Saunders moved the following amendment:

Amendment 1 (960190)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (12) and (14) of section 112.312, Florida Statutes, are amended to read:

112.312 Definitions.—As used in this part and for purposes of the provisions of s. 8, Art. II of the State Constitution, unless the context otherwise requires:

(12)(a) “Gift,” for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee’s behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee’s benefit or by any other means, for which equal or greater consideration is not given *within 90 days*, including:

1. Real property.
2. The use of real property.

3. Tangible or intangible personal property.
 4. The use of tangible or intangible personal property.
 5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
 6. Forgiveness of an indebtedness.
 7. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
 8. Food or beverage.
 9. Membership dues.
 10. Entrance fees, admission fees, or tickets to events, performances, or facilities.
 11. Plants, flowers, or floral arrangements.
 12. Services provided by persons pursuant to a professional license or certificate.
 13. Other personal services for which a fee is normally charged by the person providing the services.
 14. Any other similar service or thing having an attributable value not already provided for in this section.
- (b) "Gift" does not include:
1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.
 2. Contributions or expenditures reported pursuant to chapter 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
 3. An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.
 4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.
 5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
 6. The use of a public facility or public property, made available by a governmental agency, for a public purpose.
 7. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.
 8. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.
- (c) For the purposes of paragraph (a), "intangible personal property" means property as defined in s. 192.001(11)(b).
- (d) For the purposes of paragraph (a), the term "consideration" does not include a promise to pay or otherwise provide something of value unless the promise is in writing and enforceable through the courts.
- (14) "Liability" means any monetary debt or obligation owed by the reporting person to another person, entity, or governmental entity, except for credit card and retail installment accounts, taxes owed unless reduced to a judgment, indebtedness on a life insurance policy owed to the

company of issuance, contingent liabilities, or accrued income taxes on net unrealized appreciation. Each liability which is required to be disclosed by s. 8, Art. II of the State Constitution shall identify the name and address of the creditor.

Section 2. Subsections (8) and (14) of section 112.313, Florida Statutes, are amended to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(8) DISCLOSURE OR USE OF CERTAIN INFORMATION.—*A current or former No public officer, employee of an agency, or local government attorney may not shall disclose or use information unavailable not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices or procedures, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.*

(14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.—*A person who has been elected to any county, municipal, special district, or school district office may not personally represent another person or entity for compensation before the government governing body or agency of which the person was an officer for a period of 2 years after vacating that office. The provisions of this subsection shall not apply to elected officers holding office as of October 1, 1992, until after their next election, and shall not apply to elected officers of school districts holding office on January 1, 1995, until after their next election.*

Section 3. Section 112.3144, Florida Statutes, is amended to read:

112.3144 Full and public disclosure of financial interests.—

(1) *A person who is required, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of financial interests for any calendar or fiscal year shall file the disclosure with the Florida Commission on Ethics.*

(2)(1) *A No person who is required, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of financial interests and who has filed a full and public disclosure of financial interests for any calendar or fiscal year shall not be required to file a statement of financial interests pursuant to s. 112.3145(2) and (3) for the same year or for any part thereof notwithstanding any requirement of this part, except that a candidate for office shall file a copy of his or her disclosure with the officer before whom he or she qualifies.*

(3)(2) *For purposes of full and public disclosure under s. 8(a), Art. II of the State Constitution, the following items, if not held for investment purposes and if valued at over \$1,000 in the aggregate, may be reported in a lump sum and identified as "household goods and personal effects":*

- (a) Jewelry;
- (b) Collections of stamps, guns, and numismatic properties;
- (c) Art objects;
- (d) Household equipment and furnishings;
- (e) Clothing;
- (f) Other household items; and
- (g) Vehicles for personal use.

(4)(3) *Forms for compliance with the full and public disclosure requirements of s. 8, Art. II of the State Constitution, and a current list of persons required to file full and public disclosure by s. 8, Art. II of the State Constitution, or other state law, shall be created provided by the Commission on Ethics. The commission to the Secretary of State, who shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner:*

(a) *Not later than May 1 of each year, the commission on Ethics shall prepare a current list of the names and addresses of and the offices held by every person required to file full and public disclosure annually by s. 8, Art. II of the State Constitution, or other state law, and shall provide the Secretary of State with the mailing list. In compiling the list, the commission shall be assisted by each unit of government in providing at*

the request of the commission the name, address, and name of the office held by each public official within the respective unit of government.

(b) Not later than 30 days before July 1 of each year, the *commission Secretary of State* shall mail a copy of the form prescribed for compliance with full and public disclosure and a notice of the filing deadline to each person on the mailing list.

(c) Not later than 30 days after July 1 of each year, the *commission Secretary of State* shall determine which persons on the mailing list have failed to file full and public disclosure and shall send delinquency notices by certified mail to such persons. Each notice *must shall* state that a grace period is in effect until September 1 of the current year and that, if the statement is not filed by September 1 of the current year, a \$25 fine for each day late will be imposed, up to a maximum penalty of \$1,500; and that, if upon the filing of a sworn complaint the commission finds that the person has failed to timely file the statement within 60 days after September 1 of the current year, such person will also be subject to the penalties provided in s. 112.317 ~~the Secretary of State is required by law to notify the Commission on Ethics of the delinquency.~~

(d) Statements must be filed not later than 5 p.m. of the due date. However, any statement that is postmarked by the United States Postal Service by midnight of the due date is deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, constitutes proof of mailing in a timely manner.

~~(d) Not later than 30 days following September 1 of each year, the Secretary of State shall certify to the Commission on Ethics a list of the names and addresses of and the offices held by all persons on the mailing list who have failed to timely file full and public disclosure. The certification shall be on a form prescribed by the commission and shall indicate whether the Secretary of State has provided the disclosure forms and notice as required by this section to all persons named on the delinquency list.~~

(e) Any person who is required to file full and public disclosure of financial interests and whose name is on the commission's mailing list but who fails to timely file is assessed a fine of \$25 per day for each day late up to a maximum of \$1,500; however this \$1,500 limitation on automatic fines does not limit the civil penalty that may be imposed if the statement is filed more than 60 days after the deadline and a complaint is filed, as provided in s. 112.324. The commission must provide by rule the grounds for waiving the fine and the procedures by which each person whose name is on the mailing list and who is determined to have not filed in a timely manner will be notified of assessed fines and may appeal. The rule must provide for and make specific the following:

1. The amount of the fine due is based upon the earliest of the following:

- a. When a statement is actually received by the office.
- b. When the statement is postmarked.
- c. When the certificate of mailing is dated.
- d. When the receipt from an established courier company is dated.

2. Upon receipt of the disclosure statement or upon accrual of the maximum penalty, whichever occurs first, the commission shall determine the amount of the fine which is due and shall notify the delinquent person. The notice must include an explanation of the appeal procedure under subparagraph 3. Such fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the commission pursuant to subparagraph 3. The moneys shall be deposited into the General Revenue Fund.

3. Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be made within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

~~(f)(e) Any person subject to the annual filing of full and public disclosure under s. 8, Art. II of the State Constitution, or other state law, whose name is not on the commission's mailing list of persons required to file full and public disclosure is provided to the Secretary of State shall not subject to the fines or penalties provided in this part be deemed delinquent for failure to file full and public disclosure in any year in which the omission occurred, but nevertheless is required to file the disclosure statement.~~

~~(g)(f) The notification requirements and fines of this subsection do not apply to candidates or to the first filing required of any person appointed to elective constitutional office or other position required to file full and public disclosure, unless the person's name is on the commission's notification list and the person received notification from the commission. The appointing official shall notify such newly appointed person of the obligation to file full and public disclosure by July 1. The notification requirements and fines of this subsection do not apply to the final filing provided for in subsection (5).~~

(h) Notwithstanding any provision of chapter 120, any fine imposed under this subsection which is not waived by final order of the commission and which remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the appeal must be submitted to the Department of Banking and Finance as a claim, debt, or other obligation owed to the state, and the department shall assign the collection of such fine to a collection agent as provided in s. 17.20.

(5) Each person required to file full and public disclosure of financial interests shall file a final disclosure statement within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under s. 8 of Art. II of the State Constitution, or is otherwise required to file full and public disclosure for the final disclosure period. The head of the agency of each person required to file full and public disclosure for the final disclosure period shall notify such persons of their obligation to file the final disclosure and may designate a person to be responsible for the notification requirements of this subsection.

(6) The commission shall adopt rules and forms specifying how a person who is required to file full and public disclosure of financial interests may amend his or her disclosure statement to report information that was not included on the form as originally filed. If the amendment is the subject of a complaint filed under this part, the commission and the proper disciplinary official or body shall consider as a mitigating factor when considering appropriate disciplinary action the fact that the amendment was filed before any complaint or other inquiry or proceeding, while recognizing that the public was deprived of access to information to which it was entitled.

Section 4. Section 112.3145, Florida Statutes, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

(a) "Local officer" means:

1. Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. Any appointed member of any of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state:

- a. The governing body of the political subdivision, if appointed;
- b. An expressway authority or transportation authority established by general law;
- c. A community college or junior college district board of trustees;
- d. A board having the power to enforce local code provisions;

e. *A planning or zoning board, board of adjustment, board of appeals, or other board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and such other groups who only have the power to make recommendations to planning or zoning boards;*

f. *A pension board or retirement board having the power to invest pension or retirement funds or the power to make a binding determination of one's entitlement to or amount of a pension or other retirement benefit; or*

g. *Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board. ~~a board, commission, authority, including any expressway authority or transportation authority established by general law; community college district board of trustees; or council of any political subdivision of the state, excluding any member of an advisory body. A governmental body with land planning, zoning, or natural resources responsibilities shall not be considered an advisory body.~~*

3. Any person holding one or more of the following positions: mayor; county or city manager; chief administrative employee of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator, with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; district school superintendent; community college president; district medical examiner; or purchasing agent having the authority to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, on behalf of any political subdivision of the state or any entity thereof.

(b) "Specified state employee" means:

1. Public counsel created by chapter 350, an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency, a judge of compensation claims, an administrative law judge, or a hearing officer.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field or the superintendent or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

6. Any person, other than a legislative assistant exempted by the presiding officer of the house by which the legislative assistant is employed, who is employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions.

7. Each employee of the Commission on Ethics.

(c) "State officer" means:

1. Any elected public officer, excluding those elected to the United States Senate and House of Representatives, not covered elsewhere in this part and any person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. An appointed member of each board, commission, authority, or council having statewide jurisdiction, excluding a member of an advisory body.

3. A member of the Board of Regents, the Chancellor and Vice Chancellors of the State University System, and the president of a state university.

(2)(a) A person seeking nomination or election to a state or local elective office shall file a statement of financial interests together with, and at the same time he or she files, qualifying papers.

(b) Each state or local officer and each specified state employee shall file a statement of financial interests no later than July 1 of each year. *Each state officer, local officer, and specified state employee shall file a final statement of financial interests within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under this section or s. 8, Art. II of the State Constitution or otherwise is required to file full and public disclosure or a statement of financial interests for the final disclosure period.* Each state or local officer who is appointed and each specified state employee who is employed shall file a statement of financial interests within 30 days from the date of appointment or, in the case of a specified state employee, from the date on which the employment begins, except that any person whose appointment is subject to confirmation by the Senate shall file prior to confirmation hearings or within 30 days from the date of appointment, whichever comes first.

(c) ~~State officers, persons qualifying for a state office, and specified state employees shall file their statements of financial interests with the Commission on Ethics Secretary of State.~~ Local officers shall file their statements of financial interests with the supervisor of elections of the county in which they permanently reside. Local officers who do not permanently reside in any county in the state shall file their statements of financial interests with the supervisor of elections of the county in which their agency maintains its headquarters. Persons seeking to qualify as candidates for local public office shall file their statements of financial interests with the officer before whom they qualify.

(3) The statement of financial interests for state officers, specified state employees, local officers, and persons seeking to qualify as candidates for state or local office shall be filed even if the reporting person holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable." Otherwise, the statement of financial interests shall include, *at the filer's option, either:*

(a) 1. All sources of income in excess of 5 percent of the gross income received during the disclosure period by the person in his or her own name or by any other person for his or her use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first;:

2.(b) All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he or she received an amount which was in excess of 10 percent of his or her gross income during the disclosure period and which exceeds \$1,500. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting;:

3.(c) The location or description of real property in this state, except for residences and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and a general description of any intangible personal property worth in excess of 10 percent of such person's total assets. For the purposes of this paragraph, indirect ownership does not include ownership by a spouse or minor child; and:

4.(d) Every individual liability ~~that which in sum~~ equals more than the reporting person's net worth; or:

(b) 1. All sources of gross income in excess of \$2,500 received during the disclosure period by the person in his or her own name or by any other person for his or her use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources

of income. The person reporting shall list such sources in descending order of value with the largest source first;

2. All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he or she received gross income exceeding \$5,000 during the disclosure period. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting;

3. The location or description of real property in this state, except for residence and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and a general description of any intangible personal property worth in excess of \$10,000. For the purpose of this paragraph, indirect ownership does not include ownership by a spouse or minor child; and

4. Every liability in excess of \$10,000.

(4) Each elected constitutional officer, state officer, local officer, and specified state employee shall file a quarterly report of the names of clients represented for a fee or commission, except for appearances in ministerial matters, before agencies at his or her level of government. For the purposes of this part, agencies of government shall be classified as state-level agencies or agencies below state level. Each local officer shall file such report with the supervisor of elections of the county in which the officer is principally employed or is a resident. Each state officer, elected constitutional officer, and specified state employee shall file such report with the ~~commission~~ ~~Secretary of State~~. The report shall be filed only when a reportable representation is made during the calendar quarter and shall be filed no later than ~~the last day of each calendar quarter; for the previous calendar 15 days after the last day of the~~ quarter. Representation before any agency shall be deemed to include representation by such officer or specified state employee or by any partner or associate of the professional firm of which he or she is a member and of which he or she has actual knowledge. For the purposes of this subsection, the term "representation before any agency" does not include appearances before any court or Chief Judges of Compensation Claims or judges of compensation claims or representations on behalf of one's agency in one's official capacity. Such term does not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency or a license or operation permit to engage in a profession, business, or occupation, so long as the issuance or granting of such license, permit, or transfer does not require substantial discretion, a variance, a special consideration, or a certificate of public convenience and necessity.

(5) Each elected constitutional officer and each candidate for such office, any other public officer required pursuant to s. 8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests, and each state officer, local officer, specified state employee, and candidate for elective public office who is or was during the disclosure period an officer, director, partner, proprietor, or agent, other than a resident agent solely for service of process, of, or owns or owned during the disclosure period a material interest in, any business entity which is granted a privilege to operate in this state shall disclose such facts as a part of the disclosure form filed pursuant to s. 8, Art. II of the State Constitution or this section, as applicable. The statement shall give the name, address, and principal business activity of the business entity and shall state the position held with such business entity or the fact that a material interest is owned and the nature of that interest.

(6) Forms for compliance with the disclosure requirements of this section and a current list of persons subject to disclosure shall be ~~created provided by the commission on Ethics to the Secretary of State and provided to each supervisor of elections. The commission and each supervisor of elections, who~~ shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner:

(a)1. Not later than May 1 of each year, the ~~commission on Ethics~~ shall prepare a current list of the names and addresses of, and the offices or positions held by, every state officer, local officer, and specified employee. In compiling the list, the commission shall be assisted by each unit of government in providing, at the request of the commission, the name, address, and name of agency of, and the office or position held by,

each state officer, local officer, or specified state employee within the respective unit of government.

2. Not later than May 15 of each year, the ~~commission shall provide the Secretary of State with a current mailing list of all state officers and specified employees and~~ shall provide each supervisor of elections with a current mailing list of all local officers required to file with such supervisor of elections.

(b) Not later than 30 days before July 1 of each year, the ~~commission Secretary of State~~ and each supervisor of elections, *as appropriate*, shall mail a copy of the form prescribed for compliance with subsection (3) and a notice of all applicable disclosure forms and filing deadlines to each person required to file a statement of financial interests.

(c) Not later than 30 days after July 1 of each year, the ~~commission Secretary of State~~ and each supervisor of elections shall determine which persons required to file a statement of financial interests in their respective offices have failed to do so and shall send delinquency notices by certified mail to such persons. Each notice shall state that a grace period is in effect until September 1 of the current year; that no investigative or disciplinary action based upon the delinquency will be taken by the agency head or commission ~~on Ethics~~ if the statement is filed by September 1 of the current year; that, if the statement is not filed by September 1 of the current year, *a fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500; for notices sent by a supervisor of elections, that he or she is required by law to notify the commission on Ethics of the delinquency; and that, if upon the filing of a sworn complaint the commission finds that the person has failed to timely file the statement within 60 days after by September 1 of the current year, such person will also* shall be subject to the penalties provided in s. 112.317.

(d) ~~No later than November 15 of each year Not later than 30 days following September 1 of each year, the Secretary of State and the~~ supervisor of elections in each county shall certify to the ~~commission on Ethics~~ a list of the names and addresses of, and the offices or positions held by, all persons who have failed to timely file the required statements of financial interests. *The certification must include the earliest of the dates described in subparagraph (f)1. The certification shall be on a form prescribed by the commission and shall indicate whether the supervisor of elections respective certifying official has provided the disclosure forms and notice as required by this subsection to all persons named on the delinquency list.*

(e) *Statements must be filed not later than 5 p.m. of the due date. However, any statement that is postmarked by the United States Postal Service by midnight of the due date is deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, constitutes proof of mailing in a timely manner.*

(f) *Any person who is required to file a statement of financial interests and whose name is on the commission's mailing list but who fails to timely file is assessed a fine of \$25 per day for each day late up to a maximum of \$1,500; however, this \$1,500 limitation on automatic fines does not limit the civil penalty that may be imposed if the statement is filed more than 60 days after the deadline and a complaint is filed, as provided in s. 112.324. The commission must provide by rule the grounds for waiving the fine and procedures by which each person whose name is on the mailing list and who is determined to have not filed in a timely manner will be notified of assessed fines and may appeal. The rule must provide for and make specific the following:*

1. *The amount of the fine due is based upon the earliest of the following:*

- a. *When a statement is actually received by the office.*
- b. *When the statement is postmarked.*
- c. *When the certificate of mailing is dated.*
- d. *When the receipt from an established courier company is dated.*

2. *For a specified state employee or a state officer, upon receipt of the disclosure statement by the commission or upon accrual of the maximum penalty, whichever occurs first, and for a local officer upon receipt by the*

commission of the certification from the local officer's supervisor of elections pursuant to paragraph (d), the commission shall determine the amount of the fine which is due and shall notify the delinquent person. The notice must include an explanation of the appeal procedure under subparagraph 3. The fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the commission pursuant to subparagraph 3. The moneys are to be deposited into the General Revenue Fund.

3. Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be made within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

(g)(e) Any state officer, local officer, or specified employee whose name is not on the mailing list of persons required to file an annual statement of financial interests provided to the Secretary of State or supervisor of elections is not subject to the penalties provided in s. 112.317 or the fine provided in this section for failure to timely file a statement of financial interests in any year in which the omission occurred, but nevertheless is required to file the disclosure statement.

(h)(f) The notification requirements and fines of this subsection do not apply to candidates or to the first or final filing required of any state officer, specified employee, or local officer as provided in paragraph (2)(b).

(i) Notwithstanding any provision of chapter 120, any fine imposed under this subsection which is not waived by final order of the commission and which remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the appeal must be submitted to the Department of Banking and Finance as a claim, debt, or other obligation owed to the state, and the department shall assign the collection of such a fine to a collection agent as provided in s. 17.20.

(7)(a) The appointing official or body shall notify each newly appointed local officer, state officer, or specified state employee, not later than the date of appointment, of the officer's or employee's duty to comply with the disclosure requirements of this section. The agency head of each employing agency shall notify each newly employed local officer or specified state employee, not later than the day of employment, of the officer's or employee's duty to comply with the disclosure requirements of this section. The appointing official or body or employing agency head may designate a person to be responsible for the notification requirements of this paragraph section.

(b) The agency head of the agency of each local officer, state officer, or specified state employee who is required to file a statement of financial interests for the final disclosure period shall notify such persons of their obligation to file the final disclosure and may designate a person to be responsible for the notification requirements of this paragraph.

(8) A public officer who has filed a disclosure for any calendar or fiscal year shall not be required to file a second disclosure for the same year or any part thereof, notwithstanding any requirement of this act, except that any public officer who qualifies as a candidate for public office shall file a copy of the disclosure with the officer before whom he or she qualifies as a candidate at the time of qualification.

(9) The commission shall adopt rules and forms specifying how a state officer, local officer, or specified state employee may amend his or her statement of financial interests to report information that was not included on the form as originally filed. If the amendment is the subject of a complaint filed under this part, the commission and the proper disciplinary official or body shall consider as a mitigating factor when considering appropriate disciplinary action the fact that the amendment was filed before any complaint or other inquiry or proceeding, while recognizing that the public was deprived of access to information to which it was entitled.

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.—

(1) The provisions of this section do not apply to gifts solicited or accepted by a reporting individual or procurement employee from a relative.

(2) As used in this section:

(a) "Immediate family" means any parent, spouse, child, or sibling.

(b)1. "Lobbyist" means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decisionmaking of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency.

2. With respect to an agency that has established by rule, ordinance, or law a registration process for persons seeking to influence decision-making or to encourage the passage, defeat, or modification of any proposal or recommendation by such agency or an employee or official of the agency, the term "lobbyist" includes only a person who is required to be registered as a lobbyist in accordance with such rule, ordinance, or law or who was during the preceding 12 months required to be registered as a lobbyist in accordance with such rule, ordinance, or law. At a minimum, such a registration system must require the registration of, or must designate, persons as "lobbyists" who engage in the same activities as require registration to lobby the Legislature pursuant to s. 11.045.

(c) "Person" includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(d) "Reporting individual" means any individual, including a candidate upon qualifying, who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. 112.3145, to file full or limited public disclosure of his or her financial interests or any individual who has been elected to, but has yet to officially assume the responsibilities of, public office. For purposes of implementing this section, the "agency" of a reporting individual who is not an officer or employee in public service is the agency to which the candidate seeks election, or in the case of an individual elected to but yet to formally take office, the agency in which the individual has been elected to serve.

(e) "Procurement employee" means any employee of an officer, department, board, commission, or council of the executive branch or judicial branch of state government who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds \$1,000 in any year.

(3) A reporting individual or procurement employee is prohibited from soliciting any gift from a political committee or committee of continuous existence, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or the partner, firm, employer, or principal of such lobbyist, where such gift is for the personal benefit of the reporting individual or procurement employee, another reporting individual or procurement employee, or any member of the immediate family of a reporting individual or procurement employee.

(4) A reporting individual or procurement employee or any other person on his or her behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a political committee or committee of continuous existence, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he or she knows or reasonably believes that the gift has a value in excess of \$100; however, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody

of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

(5)(a) A political committee or a committee of continuous existence, as defined in s. 106.011; a lobbyist who lobbies a reporting individual's or procurement employee's agency; the partner, firm, employer, or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist is prohibited from giving, either directly or indirectly, a gift that has a value in excess of \$100 to the reporting individual or procurement employee or any other person on his or her behalf; however, such person may give a gift having a value in excess of \$100 to a reporting individual or procurement employee if the gift is intended to be transferred to a governmental entity or a charitable organization.

(b) However, a person who is regulated by this subsection, who is not regulated by subsection (6), and who makes, or directs another to make, an individual gift having a value in excess of \$25, but not in excess of \$100, other than a gift which the donor knows will be accepted on behalf of a governmental entity or charitable organization, must file a report on the last day of each calendar quarter, for the previous calendar quarter in which a reportable gift is made. The report shall be filed with the *Commission on Ethics* ~~Secretary of State~~, except with respect to gifts to reporting individuals of the legislative branch, in which case the report shall be filed with the Division of Legislative Information Services in the Office of Legislative Services. The report must contain a description of each gift, the monetary value thereof, the name and address of the person making such gift, the name and address of the recipient of the gift, and the date such gift is given. In addition, when a gift is made which requires the filing of a report under this subsection, the donor must notify the intended recipient at the time the gift is made that the donor, or another on his or her behalf, will report the gift under this subsection. Under this paragraph, a gift need not be reported by more than one person or entity.

(6)(a) Notwithstanding the provisions of subsection (5), an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, Tri-County Commuter Rail Authority, *the Technological Research and Development Authority*, a county, a municipality, an airport authority, or a school board may give, either directly or indirectly, a gift having a value in excess of \$100 to any reporting individual or procurement employee if a public purpose can be shown for the gift; and a direct-support organization specifically authorized by law to support a governmental entity may give such a gift to a reporting individual or procurement employee who is an officer or employee of such governmental entity.

(b) Notwithstanding the provisions of subsection (4), a reporting individual or procurement employee may accept a gift having a value in excess of \$100 from an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, Tri-County Commuter Rail Authority, *the Technological Research and Development Authority*, a county, a municipality, an airport authority, or a school board if a public purpose can be shown for the gift; and a reporting individual or procurement employee who is an officer or employee of a governmental entity supported by a direct-support organization specifically authorized by law to support such governmental entity may accept such a gift from such direct-support organization.

(c) No later than March 1 of each year, each governmental entity or direct-support organization specifically authorized by law to support a governmental entity which has given a gift to a reporting individual or procurement employee under paragraph (a) shall provide the reporting individual or procurement employee with a statement of each gift having a value in excess of \$100 given to such reporting individual or procurement employee by the governmental entity or direct-support organization during the preceding calendar year. Such report shall contain a description of each gift, the date on which the gift was given, and the value of the total gifts given by the governmental entity or direct-support organization to the reporting individual or procurement employee during the calendar year for which the report is made. A governmental entity may provide a single report to the reporting individual or procurement employee of gifts provided by the governmental entity and any direct-support organization specifically authorized by law to support such governmental entity.

(d) No later than July 1 of each year, each reporting individual or procurement employee shall file a statement listing each gift having a value in excess of \$100 received by the reporting individual or procurement employee, either directly or indirectly, from a governmental entity or a direct-support organization specifically authorized by law to support a governmental entity. The statement shall list the name of the person providing the gift, a description of the gift, the date or dates on which the gift was given, and the value of the total gifts given during the calendar year for which the report is made. The reporting individual or procurement employee shall attach to such statement any report received by him or her in accordance with paragraph (c), which report shall become a public record when filed with the statement of the reporting individual or procurement employee. The reporting individual or procurement employee may explain any differences between the report of the reporting individual or procurement employee and the attached reports. The annual report filed by a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual report filed by a procurement employee shall be filed with the *Commission on Ethics* ~~Department of State~~.

(7)(a) The value of a gift provided to a reporting individual or procurement employee shall be *its fair market value determined using actual cost to the donor*, less taxes and gratuities, *except as otherwise provided in this subsection*, and, with respect to personal services provided by the donor, the reasonable and customary charge regularly charged for such service in the community in which the service is provided shall be used. If additional expenses are required as a condition precedent to eligibility of the donor to purchase or provide a gift and such expenses are primarily for the benefit of the donor or are of a charitable nature, such expenses shall not be included in determining the value of the gift.

(b) Compensation provided by the donee to the donor, *if provided within 90 days after receipt of the gift*, shall be deducted from the value of the gift in determining the value of the gift.

(c) If the actual gift value attributable to individual participants at an event cannot be determined, the total costs shall be prorated among all invited persons, whether or not they are reporting individuals or procurement employees.

(d) Transportation shall be valued on a round-trip basis unless only one-way transportation is provided. Round-trip transportation expenses shall be considered a single gift. Transportation provided in a private conveyance shall be given the same value as transportation provided in a comparable commercial conveyance.

(e) Lodging provided on consecutive days shall be considered a single gift. Lodging in a private residence shall be valued at the per diem rate provided in s. 112.061(6)(a)1. less the meal allowance rate provided in s. 112.061(6)(b).

(f) Food and beverages which are not consumed at a single sitting or meal and which are provided on the same calendar day shall be considered a single gift, and the total value of all food and beverages provided on that date shall be considered the value of the gift. Food and beverage consumed at a single sitting or meal shall be considered a single gift and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift.

(g) Membership dues paid to the same organization during any 12-month period shall be considered a single gift.

(h) Entrance fees, admission fees, or tickets shall be valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater.

(i) Except as otherwise specified in this section, a gift shall be valued on a per occurrence basis.

(j) The value of a gift provided to several individuals may be attributed on a pro rata basis among all of the individuals. If the gift is food, beverage, entertainment, or similar items, provided at a function for more than 10 people, the value of the gift to each individual shall be the total value of the items provided divided by the number of persons invited to the function, unless the items are purchased on a per person basis, in which case the value of the gift to each person is the per person cost.

(k) The value of a gift of an admission ticket shall not include that portion of the cost which represents a charitable contribution, if the gift is provided by the charitable organization.

(8)(a) Each reporting individual or procurement employee shall file a statement with the *Commission on Ethics Secretary of State* on the last day of each calendar quarter, for the previous calendar quarter, containing a list of gifts which he or she believes to be in excess of \$100 in value, if any, accepted by him or her, *for which compensation was not provided by the donee to the donor within 90 days of receipt of the gift to reduce the value to \$100 or less*, except the following:

1. Gifts from relatives.
2. Gifts prohibited by subsection (4) or s. 112.313(4).
3. Gifts otherwise required to be disclosed by this section.

(b) The statement shall include:

1. A description of the gift, the monetary value of the gift, the name and address of the person making the gift, and the dates thereof. If any of these facts, other than the gift description, are unknown or not applicable, the report shall so state.

2. A copy of any receipt for such gift provided to the reporting individual or procurement employee by the donor.

(c) The statement may include an explanation of any differences between the reporting individual's or procurement employee's statement and the receipt provided by the donor.

(d) The reporting individual's or procurement employee's statement shall be sworn to by such person as being a true, accurate, and total listing of all such gifts.

(e) If a reporting individual or procurement employee has not received any gifts described in paragraph (a) during a calendar quarter, he or she is not required to file a statement under this subsection for that calendar quarter.

(9) A person, other than a lobbyist regulated under s. 11.045, who violates the provisions of subsection (5) commits a noncriminal infraction, punishable by a fine of not more than \$5,000 and by a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the reporting individual or procurement employee to which the gift was given in violation of subsection (5), for a period of not more than 24 months. The state attorney, or an agency, if otherwise authorized, may initiate an action to impose or recover a fine authorized under this section or to impose or enforce a limitation on lobbying provided in this section.

(10) A member of the Legislature may request an advisory opinion from the general counsel of the house of which he or she is a member as to the application of this section to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The member of the Legislature may reasonably rely on such opinion.

Section 6. Subsection (6) of section 112.3149, Florida Statutes, is amended to read:

112.3149 Solicitation and disclosure of honoraria.—

(6) A reporting individual or procurement employee who receives payment or provision of expenses related to any honorarium event from a person who is prohibited by subsection (4) from paying an honorarium to a reporting individual or procurement employee shall publicly disclose on an annual statement the name, address, and affiliation of the person paying or providing the expenses; the amount of the honorarium expenses; the date of the honorarium event; a description of the expenses paid or provided on each day of the honorarium event; and the total value of the expenses provided to the reporting individual or procurement employee in connection with the honorarium event. The annual statement of honorarium expenses shall be filed by July 1 of each year for such expenses received during the previous calendar year. The reporting individual or procurement employee shall attach to the annual statement a copy of each statement received by him or her in accordance with subsection (5) regarding honorarium expenses paid or provided

during the calendar year for which the annual statement is filed. Such attached statement shall become a public record upon the filing of the annual report. The annual statement of a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual statement of a procurement employee shall be filed with the *Commission on Ethics Department of State*.

Section 7. Subsections (1), (2), (6), (7), and (8) of section 112.317, Florida Statutes, are amended to read:

112.317 Penalties.—

(1) Violation of any provision of this part, including, but not limited to, any failure to file any disclosures required by this part or violation of any standard of conduct imposed by this part, or violation of any provision of s. 8, Art. II of the State Constitution, in addition to any criminal penalty or other civil penalty involved, shall, pursuant to applicable constitutional and statutory procedures, constitute grounds for, and may be punished by, one or more of the following:

(a) In the case of a public officer:

1. Impeachment.
2. Removal from office.
3. Suspension from office.
4. Public censure and reprimand.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$10,000.

7. Restitution of any pecuniary benefits received because of the violation committed. *The commission may recommend that the restitution penalty be paid to the agency of which the public officer was a member or to the General Revenue Fund of the state.*

(b) In the case of an employee or a person designated as a public officer by this part who otherwise would be deemed to be an employee:

1. Dismissal from employment.
2. Suspension from employment for not more than 90 days without pay.
3. Demotion.
4. Reduction in salary level.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$10,000.

7. Restitution of any pecuniary benefits received because of the violation committed. *The commission may recommend that the restitution penalty be paid to the agency by which such employee was employed or by which such officer was deemed to be an employee or to the General Revenue Fund of the state.*

8. Public censure and reprimand.

(c) In the case of a candidate who violates the provisions of this part or s. 8(a) and (h), Art. II of the State Constitution:

1. Disqualification from being on the ballot.
2. Public censure.
3. Reprimand.
4. A civil penalty not to exceed \$10,000.

(d) In the case of a former public officer or employee who has violated a provision applicable to former officers or employees or whose violation occurred prior to such officer's or employee's leaving public office or employment:

1. Public censure and reprimand.
2. A civil penalty not to exceed \$10,000.
3. Restitution of any pecuniary benefits received because of the violation committed. *The commission may recommend that the restitution penalty be paid to the agency of such public officer or employee or the General Revenue Fund of the state.*

(2) In any case in which the commission finds a violation of this part or of s. 8, Art. II of the State Constitution and *the proper disciplinary official or body under s. 112.324 imposes recommends* a civil penalty or restitution penalty, the Attorney General shall bring a civil action to recover such penalty. No defense may be raised in the civil action to enforce the civil penalty or order of restitution that could have been raised by judicial review of the administrative findings and recommendations of the commission by certiorari to the district court of appeal. *The Attorney General shall be entitled to collect any costs, attorney's fees, expert witness fees, or other costs of collection incurred in bringing such actions.*

~~(6) Any person who willfully discloses, or permits to be disclosed, his or her intention to file a complaint, the existence or contents of a complaint which has been filed with the commission, or any document, action, or proceeding in connection with a confidential preliminary investigation of the commission, before such complaint, document, action, or proceeding becomes a public record as provided herein commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(6)(7)~~ In any case in which the commission finds probable cause to believe that a complainant has committed perjury in regard to any document filed with, or any testimony given before, the commission, it shall refer such evidence to the appropriate law enforcement agency for prosecution and taxation of costs.

~~(7)(8)~~ In any case in which the commission determines that a person has filed a complaint against a public officer or employee with a malicious intent to injure the reputation of such officer or employee by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this part, the complainant shall be liable for costs plus reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

Section 8. Section 112.3185, Florida Statutes, is amended to read:

112.3185 *Additional standards for state agency employees* ~~Contractual services.~~—

- (1) For the purposes of this section:
 - (a) "Contractual services" shall be defined as set forth in chapter 287.
 - (b) "Agency" means any state officer, department, board, commission, or council of the executive or judicial branch of state government and includes the Public Service Commission.

(2) No agency employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services shall become or be, while an agency employee, the employee of a person contracting with the agency by whom the employee is employed.

(3) No agency employee shall, after retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract in which the agency employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, or investigation while an officer or employee.

(4) No agency employee shall, within 2 years after retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract for contractual services which was within his or her responsibility while an employee.

(5) The sum of money paid to a former agency employee during the first year after the cessation of his or her responsibilities, by the agency with whom he or she was employed, for contractual services provided to the agency, shall not exceed the annual salary received on the date of cessation of his or her responsibilities. The provisions of this subsection may be waived by the agency head for a particular contract if the agency head determines that such waiver will result in significant time or cost savings for the state.

(6) No agency employee acting in an official capacity shall directly or indirectly procure contractual services for his or her own agency from any business entity of which a relative is an officer, partner, director, or proprietor or in which such officer or employee or his or her spouse or child, or any combination of them, has a material interest.

~~(7) No agency employee shall, after retirement or termination, represent or advise another person or entity, except the state, in any matter in which the employee participated personally and substantially in his or her official capacity through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise while an employee. The term "matter" includes any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular action involving a specific party or parties.~~

~~(8)(7)~~ A violation of any provision of this section is punishable in accordance with s. 112.317.

~~(9)(8)~~ This section is not applicable to any employee of the Public Service Commission who was so employed on or before December 31, 1994.

Section 9. Section 112.324, Florida Statutes, is amended to read:

112.324 Procedures on complaints of violations.—

~~(1) Upon a written complaint executed on a form prescribed by the commission and signed under oath or affirmation by any person, The commission shall investigate any alleged violation of this part or any other alleged breach of the public trust within the jurisdiction of the commission as provided in s. 8(f), Art. II of the State Constitution in accordance with procedures set forth herein.:~~

~~(a) Upon a written complaint executed on a form prescribed by the commission and signed under oath or affirmation by any person;~~

~~(b) Upon receipt of reliable and publicly disseminated information which at least seven of the members of the commission deem sufficient to indicate a breach of the public trust, provided that commission staff shall undertake no formal investigation other than collecting publicly disseminated information prior to a determination of sufficiency by at least seven members of the commission; or~~

~~(c) Upon receipt of a written referral of a possible violation of this part or other possible breach of the public trust from the Governor, the Comptroller, a State Attorney, the Executive Director of the Department of Law Enforcement, or the Statewide Prosecutor, which at least seven of the members of the commission deem sufficient to indicate a breach of the public trust.~~

Within 5 days after receipt of a complaint or other information provided under paragraph (b) or paragraph (c), by the commission a copy shall be transmitted to the alleged violator. All proceedings, the complaint, and other records relating to the preliminary investigation as provided herein, or as provided by a Commission on Ethics and Public Trust established by any county defined in s. 125.011(1), shall be confidential and exempt from the provisions of s. 119.07(1), and s. 24(a), Art. I of the State Constitution, either until the alleged violator requests in writing that such investigation and records be made public records or the preliminary investigation is completed, notwithstanding any provision of chapter 120 or s. 286.011 and s. 24(b), Art. I of the State Constitution. *The confidentiality requirements of this section shall not prohibit the commission or its staff from sharing investigative information with criminal investigative agencies.* In no event shall a complaint under this part

against a candidate in any general, special, or primary election be filed or any intention of filing such a complaint be disclosed on the day of any such election or within the 5 days immediately preceding the date of the election. *The confidentiality provisions of this subsection are repealed October 2, 2002, and must be reviewed by the Legislature before that date in accordance with s. 119.15, the Open Government Sunset Review Act of 1995.*

(2) A preliminary investigation shall be undertaken by the commission of each legally sufficient complaint, *information, or referral* over which the commission has jurisdiction to determine whether there is probable cause to believe that a violation has occurred. If, upon completion of the preliminary investigation, the commission finds no probable cause to believe that this part has been violated or that any other breach of the public trust has been committed, the commission shall dismiss the complaint *or proceeding* with the issuance of a public report to the complainant and the alleged violator, stating with particularity its reasons for dismissal ~~of the complaint~~. At that time, the complaint, *the proceeding*, and all materials relating to the complaint *and proceeding* shall become a matter of public record. If the commission finds from the preliminary investigation probable cause to believe that this part has been violated or that any other breach of the public trust has been committed, it shall so notify the complainant and the alleged violator in writing. Such notification and all documents made or received in the disposition of the complaint *or proceeding* shall then become public records. Upon request submitted to the commission in writing, any person who the commission finds probable cause to believe has violated any provision of this part or has committed any other breach of the public trust shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within 14 days following the mailing of the probable cause notification required by this subsection. However, the commission may on its own motion, require a public hearing, may conduct such further investigation as it deems necessary, and may enter into such stipulations and settlements as it finds to be just and in the best interest of the State. The commission is without jurisdiction to, and no respondent may voluntarily or involuntarily, enter into a stipulation or settlement which imposes any penalty, including, but not limited to, a sanction or admonition or any other penalty contained in s. 112.317. Penalties shall be imposed only by the appropriate disciplinary authority as designated in this section.

(3) If, in cases pertaining to *current* members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution, *irrespective of whether the violative act or omission occurred before or during the current member's term of office*, the commission shall forward a copy of the complaint, *information, or referral* and its findings by certified mail to the President of the Senate or the Speaker of the House of Representatives, whichever is applicable, who shall refer the *matter complaint* to the appropriate committee for investigation and action which shall be governed by the rules of its respective house. It shall be the duty of the committee to report its final action upon the *matter complaint* to the commission within 90 days of the date of transmittal to the respective house. Upon request of the committee, the commission shall submit a recommendation as to what penalty, if any, should be imposed. In the case of a member of the Legislature, the house in which the member serves shall have the power to invoke the penalty provisions of this part.

(4) If, in cases pertaining to complaints *or proceedings* against impeachable officers, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution, and the commission finds that the violation may constitute grounds for impeachment, the commission shall forward a copy of the complaint, *information, or referral* and its findings by certified mail to the Speaker of the House of Representatives, who shall refer the *matter complaint* to the appropriate committee for investigation and action which shall be governed by the rules of the House of Representatives. It shall be the duty of the committee to report its final action upon the *matter complaint* to the commission within 90 days of the date of transmittal.

(5) If the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution by an impeachable officer other than the Governor, and the commission recommends public censure and reprimand, forfeiture of a portion of the officer's salary, a civil penalty, or restitution, the commission shall report its

findings and recommendation of disciplinary action to the Governor, who shall have the power to invoke the penalty provisions of this part.

(6) If the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution by the Governor, and the commission recommends public censure and reprimand, forfeiture of a portion of the Governor's salary, a civil penalty, or restitution, the commission shall report its findings and recommendation of disciplinary action to the Attorney General, who shall have the power to invoke the penalty provisions of this part.

(7) If, in cases pertaining to *persons other than complaints other than complaints against* impeachable officers or members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of s. 8, Art. II of the State Constitution, it shall be the duty of the commission to report its findings and recommend appropriate action to the proper disciplinary official or body as follows, and such official or body shall have the power to invoke the penalty provisions of this part, including the power to order the appropriate elections official to remove a candidate from the ballot for a violation of s. 112.3145 or s. 8(a) and (i) ~~(h)~~, Art. II of the State Constitution:

(a) The President of the Senate and the Speaker of the House of Representatives, jointly, in any case concerning the Public Counsel, members of the Public Service Commission, members of the Public Service Commission Nominating Council, the Auditor General, members of the Legislative Committee on Intergovernmental Relations, or members of the Advisory Council on Environmental Education.

(b) The Supreme Court, in any case concerning an employee of the judicial branch.

(c) The President of the Senate, in any case concerning an employee of the Senate; the Speaker of the House of Representatives, in any case concerning an employee of the House of Representatives; or the President and the Speaker, jointly, in any case concerning an employee of a committee of the Legislature whose members are appointed solely by the President and the Speaker or in any case concerning an employee of the Public Counsel, Public Service Commission, Auditor General, Legislative Committee on Intergovernmental Relations, or Advisory Council on Environmental Education.

(d) Except as otherwise provided by this part, the Governor, in the case of any other public officer, public employee, former public officer or public employee, candidate, or former candidate.

(e) The President of the Senate or the Speaker of the House of Representatives, whichever is applicable, in any case concerning a former member of the Legislature who has violated a provision applicable to former members or whose violation occurred while a member of the Legislature.

(8) In addition to reporting its findings to the proper disciplinary body or official, the commission shall report these findings to the state attorney or any other appropriate official or agency having authority to initiate prosecution when violation of criminal law is indicated.

(9) Notwithstanding the foregoing procedures of this section, a sworn complaint against any member or employee of the Commission on Ethics for violation of this part or of s. 8, Art. II of the State Constitution shall be filed with the President of the Senate and the Speaker of the House of Representatives. Each presiding officer shall, after determining that there are sufficient grounds for review, appoint three members of their respective bodies to a special joint committee who shall investigate the complaint. The members shall elect a chair from among their number. If the special joint committee finds insufficient evidence to establish probable cause to believe a violation of this part or of s. 8, Art. II of the State Constitution has occurred, it shall dismiss the complaint. If, upon completion of its preliminary investigation, the committee finds sufficient evidence to establish probable cause to believe a violation has occurred, the chair thereof shall transmit such findings to the Governor who shall convene a meeting of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court to take such final action on the complaint as they shall deem appropriate, consistent with the penalty provisions of this part. Upon request of a majority of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief

Justice of the Supreme Court, the special joint committee shall submit a recommendation as to what penalty, if any, should be imposed.

(10)(a) Notwithstanding the provisions of subsections (1)-(7), the commission may, at its discretion, dismiss any complaint or proceeding at any stage of disposition should it determine that the public interest would not be served by proceeding further, in which case the commission shall issue a public report stating with particularity its reasons for the dismissal. The investigation of facts and parties materially related to a complaint, as provided in s. 112.322(1) and pursuant to the definitions contained in s. 112.312(11) and (18), and the amendment of s. 112.3143 shall apply only to alleged violations occurring after May 24, 1991.

(b) If the commission undertakes to investigate a reporting individual for failing to properly report under s. 8, Art. II of the State Constitution, s. 112.3144, or s. 112.3145 and the investigation reveals and the commission finds that the error was technical or minor in nature, the commission may notify the respondent of the error and may request that an amended report correcting the error be filed with the commission and the filing officer within 10 days after the respondent receives the notice. The commission shall dismiss the matter without further proceedings if:

1. The reporting individual timely files an amended report correcting the error;
2. The commission has not determined that the reporting individual has previously violated s. 8, Art. II of the State Constitution, s. 112.3144, or s. 112.3145; and
3. The reporting individual has not previously filed or been asked to file an amended report under this paragraph.

Section 10. Section 914.21, Florida Statutes, is amended to read:

914.21 Definitions.—As used in ss. 914.22-914.24, the term:

- (1) “Bodily injury” means:
 - (a) A cut, abrasion, bruise, burn, or disfigurement;
 - (b) Physical pain;
 - (c) Illness;
 - (d) Impairment of the function of a bodily member, organ, or mental faculty; or
 - (e) Any other injury to the body, no matter how temporary.
- (2) “Misleading conduct” means:
 - (a) Knowingly making a false statement;
 - (b) Intentionally omitting information from a statement and thereby causing a portion of such statement to be misleading, or intentionally concealing a material fact and thereby creating a false impression by such statement;
 - (c) With intent to mislead, knowingly submitting or inviting reliance on a writing or recording that is false, forged, altered, or otherwise lacking in authenticity;
 - (d) With intent to mislead, knowingly submitting or inviting reliance on a sample, specimen, map, photograph, boundary mark, or other object that is misleading in a material respect; or
 - (e) Knowingly using a trick, scheme, or device with intent to mislead.
- (3) “Official investigation” means any investigation instituted by a law enforcement agency or prosecuting officer of the state or a political subdivision of the state, or any investigation conducted by the Florida Commission on Ethics.
- (4) “Official proceeding” means:
 - (a) A proceeding before a judge or court or a grand jury;
 - (b) A proceeding before the Legislature; or
 - (c) A proceeding before a federal agency which is authorized by law; or

(d) A proceeding before the Florida Commission on Ethics.

(5) “Physical force” means physical action against another and includes confinement.

Section 11. Subsection (9) of section 112.322, Florida Statutes, is repealed.

Section 12. Subsection (6) of section 440.442, Florida Statutes, is amended to read:

440.442 Code of Judicial Conduct.—The Chief Judge, and judges of compensation claims shall observe and abide by the Code of Judicial Conduct as provided in this section. Any material violation of a provision of the Code of Judicial Conduct shall constitute either malfeasance or misfeasance in office and shall be grounds for suspension and removal of such Chief Judge, or judge of compensation claims by the Governor.

(6) FISCAL MATTERS OF JUDGES.—Fiscal matters of a judge should be conducted in a manner that will not give the appearance of influence or impropriety. A judge should regularly file public reports as required by s. 8, Art. II of the State Constitution, and should publicly report gifts.

(a) Compensation for quasi-judicial and extrajudicial services and reimbursement of expenses.—A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extrajudicial activities permitted by this section, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the impression of impropriety subject to the following restrictions:

1. Compensation: Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.
2. Expense reimbursement: Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, to his or her spouse. Any payment in excess of such an amount is compensation.

(b) Public financial reporting.—

1. Income and assets: A judge shall file such public reports as may be required by law for all public officials to comply fully with the provisions of s. 8, Art. II of the State Constitution. The form for public financial disclosure shall be that recommended or adopted by the Florida Commission on Ethics for use by all public officials. The form shall be filed in the office of the ~~Commission on Ethics Secretary of State~~ on the date prescribed by law.

2. Gifts: A judge shall file a public report of all gifts which are required to be disclosed under *Canon 5D(5)(h) and Canon 6B(2) s. 112 (Canon 5C(4)(e) of the Code of Judicial Conduct)*. The report of gifts received in the preceding calendar year shall be filed in the office of the ~~Commission on Ethics Secretary of State~~ on or before July 1 of each year.

Section 13. Sections 839.08, 839.09, 839.091, and 839.10, Florida Statutes, are repealed.

Section 14. Section 112.3232, Florida Statutes, is created to read:

112.3232 Compelled testimony.—If any person called to give evidence in a commission proceeding shall refuse to give evidence because of a claim of possible self-incrimination, the commission, with the written authorization of the appropriate state attorney, may apply to the chief judge of the appropriate judicial circuit for a judicial grant of immunity ordering the testimony or other evidence of such person notwithstanding his or her objection, but in such case no testimony or other information compelled under the order, or any information directly or indirectly derived from such testimony or other information, may be used against the witness in any criminal proceeding.

Section 15. Section 112.31905, Florida Statutes, is created to read:

112.31905 Educational requirements for elected public officials.—Each elected public officer and each person appointed to hold elective public office shall, within the first year following his or her election or appointment to office and every 4 years thereafter:

(1) Complete a course of study of at least 3 hours regarding the requirements of this part, the public records law of chapter 119, the public meetings law in chapter 286, and chapter 838.

(2) Certify his or her completion of the course of study on a form promulgated by the commission and file the form with the commission, if he or she files full and public disclosure under s. 8 of Art. II, of the State Constitution, or with the supervisor of elections of the county of his or her residence, if he or she files a statement of financial interests under s. 112.3145.

Section 16. Subsection (7) of section 112.322, Florida Statutes, is amended to read:

112.322 Duties and powers of commission.—

(7) The commission may prepare materials designed to assist persons in complying with the provisions of this part and with s. 8, Art. II of the State Constitution, and is authorized to work with other agencies of state and local government and private organizations to develop and disseminate ethics training materials and programs, including, but not limited to, the materials and programs necessary for public officials to comply with the education requirements of s. 112.31905.

Section 17. The provisions of this act requiring a person to file a final disclosure statement within 60 days after leaving his or her public position, including the notification requirements relating to final filings, apply to persons leaving office or employment on or after the date this act becomes a law.

Section 18. Section 112.3147, Florida Statutes, is amended to read:

112.3147 Forms.—

(1) All information required to be furnished by ss. 112.313, 112.3143, 112.3144, 112.3145, 112.3148, and 112.3149, and 112.31905 and by s. 8, Art. II of the State Constitution shall be on forms prescribed by the Commission on Ethics.

(2)(a) With respect to reporting assets valued in excess of \$1,000 on forms prescribed pursuant to s. 112.3144 which the reporting individual holds jointly with another person, the amount reported shall be based on the reporting individual's legal percentage of ownership in the property, except that assets held jointly with the reporting individual's spouse shall be reported at 100 percent of the value of the asset. For purposes of this subsection, a reporting individual is deemed to own an interest in a partnership which corresponds to the reporting individual's interest in the capital or equity of the partnership.

(2)(b)1. With respect to reporting liabilities valued in excess of \$1,000 on forms prescribed pursuant to s. 112.3144 for which the reporting individual is jointly and severally liable, the amount reported shall be based upon the reporting individual's percentage of liability rather than the total amount of the liability, except, a joint and several liability with the reporting individual's spouse for a debt which relates to property owned by both as tenants by the entirety shall be reported at 100 percent of the total amount owed.

2. A separate section of the form shall be created to provide for the reporting of the amounts of joint and several liability of the reporting individual not otherwise reported in paragraph (a).

Section 19. The sum of \$193,950 is appropriated from the General Revenue Fund to the Commission on Ethics to administer the responsibilities imposed upon it by this act.

Section 20. This act, except for this section and section 17, which shall take effect upon becoming law, shall take effect January 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to ethics; amending s. 112.312, F.S.; redefining the terms "gift" and "liability"; amending s. 112.313, F.S.; extending the prohibition against the use of certain confidential public information to former officers, employees, and local government attorneys; expanding the scope of post-employment lobbying restriction applicable to elected local officers; amending s. 112.3144, F.S.; transferring filing administration from the Secretary of State to the Commission on Ethics; modifying

the filing location for officers from the Secretary of State to the commission; establishing an automatic fine system for delinquent filers and nonfilers; requiring former officers and employees to file a final disclosure of financial interests no later than 60 days following departure, with certain exceptions; requiring the Commission on Ethics to adopt rules and forms relating to filing amended full and public disclosure of financial interests; amending s. 112.3145, F.S.; redefining the term "local officer"; revising the reporting requirements for limited statutory disclosure of financial interests; transferring filing administration from the Secretary of State to the Commission on Ethics; modifying the filing location for state officers and specified state employees from the Secretary of State to the commission; modifying certification requirements of supervisors of elections with regard to delinquent filers and nonfilers; establishing an automatic fine system for delinquent filers and nonfilers; requiring former officers and employees to file a final statement of financial interests within 60 days after leaving office or employment, with certain exceptions; modifying reporting dates for filing quarterly reports of the names of clients represented before certain agencies for a fee; requiring the Commission on Ethics to adopt rules and forms relating to amended financial disclosure filings; amending s. 112.3148, F.S.; redefining the term "reporting individual"; establishing a reimbursement deadline with regard to the valuation of gifts received by reporting individuals; clarifying that the gifts law applies to candidates; extending the gifts law to include nonincumbents elected to office for the period immediately following election but before officially taking office; transferring the filing administration for gift disclosure from the Secretary of State to the Commission on Ethics; authorizing the Technological Research and Development Authority to make certain gifts under certain circumstances; amending s. 112.3149, F.S.; transferring filing administration for honoraria disclosure from the Department of State to the Commission on Ethics; amending s. 112.317, F.S.; authorizing the Commission on Ethics to recommend how restitution may be paid; entitling the Attorney General to reimbursement of fees and costs associated with collecting civil and restitution penalties imposed for ethics violations; removing a criminal penalty related to the disclosure of confidential information brought before the commission; amending s. 112.3185, F.S.; creating a post-employment restriction for certain agency employees; amending s. 112.324, F.S.; authorizing the Commission on Ethics to investigate potential ethics violations on its own authority under certain circumstances; clarifying that the proper sanction authority in the case of a current state legislator who commits an act in violation of the Ethics Code prior to joining the Legislature is vested in the house in which the legislator serves; allowing the Commission on Ethics to dismiss a complaint that involves a technical or minor error, under specified conditions; amending s. 914.21, F.S.; redefining the terms "official proceeding" and "official investigation"; extending the witness-tampering laws to include Commission on Ethics investigations and proceedings; repealing s. 112.322(9), F.S., which requires the Commission on Ethics to report certain delinquent financial disclosure filers to the Department of Community Affairs; amending s. 440.442, F.S.; transferring the filing location for public financial reporting by judges of compensation claims from the Secretary of State to the Commission on Ethics; clarifying that the Code of Judicial Conduct governs the reporting of gifts for judges of compensation claims; repealing ss. 839.08, 839.09, 839.091, and 839.10, F.S., which provide criminal penalties for offenses by public officers and employees relating to the purchase of supplies or materials and the bidding for public work; creating s. 112.3232, F.S.; authorizing the Commission on Ethics to seek immunity for certain witnesses; creating s. 112.31905, F.S.; mandating educational requirements for elected public officials; amending s. 112.322, F.S.; authorizing the Commission on Ethics to develop and disseminate ethics training materials and programs; amending s. 112.3147, F.S.; authorizing the Commission on Ethics to prescribe forms relating to the public official education requirements and full and public financial disclosure; prescribing requirements for reporting certain assets and liabilities on the full and public disclosure form; appropriating funds to the Commission on Ethics; providing an effective date.

Senator Saunders moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (660578)(with title amendment)—On page 41, line 13, insert:

Section 9. Subsections (1) and (3) of section 112.3231, Florida Statutes, are amended to read:

112.3231 Time limitations.—

(1) ~~On or after October 1, 1993~~, All sworn complaints alleging a violation of this part, or of any other breach of the public trust within the jurisdiction of the Commission on Ethics under s. 8, Art. II of the State Constitution, shall be filed with the commission within 5 years of the alleged violation or other breach of the public trust. *For information or referrals received by the Commission pursuant to s. 112.324, the determination by at least seven of the members that the information or referral is deemed sufficient to indicate a breach of the public trust shall be made within five years of the alleged violation.*

(3) The applicable period of limitation is tolled on the day a sworn complaint against the public officer, employee, or candidate is filed with the Commission on Ethics. *For information or referrals received by the Commission pursuant to s. 112.324, the applicable period of limitation is tolled upon a determination by at least seven members of the Commission that the information or referral is deemed sufficient.* If it can be concluded from the face of the complaint that the applicable period of limitation has run, the complaint shall be dismissed and the commission shall issue a public report.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 57, line 20, after the semicolon (;) insert: amending s. 112.3231, F.S.; relating to time limitations on ethics proceedings;

Senator Jones moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (904710)(with title amendment)—On page 41, line 13, insert:

Section 9. Subsection (1) of section 112.321, Florida Statutes, is amended to read:

112.321 Membership, terms; travel expenses; staff.—

(1) The commission shall be composed of nine members. Five of these members shall be appointed by the Governor, no more than three of whom shall be from the same political party, subject to confirmation by the Senate. One member appointed by the Governor shall be a former city or county official and may be a former member of a local planning or zoning board which has only advisory duties. Two members shall be appointed by the Speaker of the House of Representatives, and two members shall be appointed by the President of the Senate. Neither the Speaker of the House of Representatives nor the President of the Senate shall appoint more than one member from the same political party. *Of the nine members of the Commission, no more than five members shall be from the same political party at any one time. If any member of the Commission changes party affiliation and as a result more than five members are from the same political party, a vacancy in office shall be created as of the date of the party change. The official who appointed the member who changed parties shall fill the vacancy in accordance with the provisions of this subsection.* No member may hold any public employment. All members shall serve 2-year terms. No member shall serve more than two full terms in succession. Any member of the commission may be removed for cause by majority vote of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 57, line 20, after the semicolon (;) insert: amending s. 112.321, F.S.; regarding membership of the Ethics Commission;

Amendment 1 as amended was adopted.

On motions by Senator Saunders, by two-thirds vote **CS for CS for HB 181** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Campbell	Clary	Dyer
Bronson	Carlton	Cowin	Forman
Brown-Waite	Casas	Diaz de la Portilla	Geller
Burt	Childers	Diaz-Balart	Grant

Hargrett	Klein	Meek	Sebesta
Holzendorf	Kurth	Mitchell	Silver
Horne	Latvala	Myers	Sullivan
Jones	Laurent	Rossin	Thomas
King	Lee	Saunders	Webster
Kirkpatrick	McKay	Scott	

Nays—None

SB 1110—A bill to be entitled An act relating to public records; amending s. 112.324, F.S.; providing an exemption from public records requirements for records and proceedings relating to information or referrals received by the Commission on Ethics relating to Ethics Code violations; providing for release of such information to criminal investigative agencies; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

—as amended March 15 was read the third time by title.

On motions by Senator Sebesta, **SB 1110** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Diaz de la Portilla	King	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

Nays—None

CS for SB 1106—A bill to be entitled An act relating to elections; amending s. 104.091, F.S.; providing that a person who agrees, conspires, combines, or confederates with another person to knowingly commit a violation of the Florida Election Code is punishable as if he or she committed the violation; providing that a person who knowingly aids or abets another person who has violated the code, with intent for that person to avoid detection, arrest, or prosecution, is punishable in like manner as the principal offender; providing an exception; amending s. 777.04, F.S.; exempting certain violations of the Florida Election Code from provisions specifying the ranking of an offense under the Criminal Punishment Code; providing an effective date.

—as amended March 15 was read the third time by title.

On motions by Senator Sebesta, **CS for SB 1106** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

SB 1714—A bill to be entitled An act relating to campaign financing; amending s. 106.021, F.S.; specifying that certain endorsements are not contributions or expenditures for purposes of ch. 106, F.S.; amending s.

106.08, F.S.; prohibiting contributions made during a certain period preceding the first primary election through the general election which exceed a specified amount; providing penalties; creating s. 106.293, F.S.; requiring the state executive committee of each political party to report contributions in excess of a specified amount to the Division of Elections within the Department of State; requiring the division to adopt rules governing such reports; providing penalties for failure to timely make reports; providing an effective date.

—as amended March 15 was read the third time by title.

On motions by Senator Latvala, **SB 1714** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Sebesta, the Senate resumed consideration of—

CS for SB 946—A bill to be entitled An act relating to offenses by public servants; amending s. 16.56, F.S.; authorizing the Statewide Prosecutor to prosecute violations of ch. 838, F.S.; amending s. 287.133, F.S.; redefining the term “public entity crime”; providing criteria for the placement and removal of names on the convicted vendor list; amending s. 837.02, F.S.; providing for an exception to perjury in official proceedings; creating s. 838.0105, F.S.; providing a short title; amending s. 838.014, F.S.; redefining the terms “benefit,” “corruptly,” “harm,” and “public servant”; amending ss. 838.015, 838.016, F.S.; increasing penalties; creating ss. 838.022, 838.20, 838.21, 838.22, 838.23, 838.24, F.S.; providing criminal penalties for official misconduct, criminal misuse of official position, disclosure or use of confidential criminal justice information, bid-tampering, and perjury by a public servant in an official proceeding; providing for evidence of governmental function or service; amending s. 921.0022, F.S.; deleting specified felonies from and adding specified felonies to the Criminal Punishment Code; repealing s. 838.15, F.S., relating to commercial bribe receiving; repealing s. 838.16, F.S., relating to commercial bribery; repealing s. 839.25, F.S., relating to official misconduct; providing an effective date.

—which was previously considered March 15, with pending **Amendment 4 (710696)** by Senators Geller, Laurent and Silver.

Senator Campbell moved the following amendment to **Amendment 4** which was adopted:

Amendment 4A (972208)—On page 1, line 18, before “business” insert: *private*

Amendment 4 as amended was adopted.

Senator Laurent moved the following amendment which was adopted:

Amendment 5 (795180)—On page 12, lines 5-7, delete those lines

Senator Campbell moved the following amendments which were adopted:

Amendment 6 (934074)—On page 9, line 19 through page 10, line 4, delete those lines and insert:

(b) *Any legislative or judicial officer or employee; or*

(c) *Any person, including any officer, director, partner, manager, representative, or employee of a nongovernmental entity, who is authorized*

by law or contract to perform a governmental function, including a judicial or quasi-judicial function, or provide a governmental service on behalf of a state, county, municipal, or special district agency or entity.

Amendment 7 (253608)—On page 9, delete lines 10 and 11 and insert:

(2) *“Corruptly” or “corrupt intent” means done with a wrongful intent and for the purpose of obtaining, compensating, or receiving compensation for any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.*

Senator Hargrett moved the following amendment:

Amendment 8 (335354)(with title amendment)—On page 15, between lines 15 and 16, insert:

Section 9. *If a public servant is subjected to an investigation in any action brought against the public servant under sections 838.022, 838.20, 838.21, 838.22, 838.23, and 838.24, Florida Statutes, for official misconduct, the public servant may petition the public agency employing the public servant to award attorney’s fees if the charges of official misconduct are withdrawn or the public servant is acquitted in a legal proceeding.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: *authorizing public servants who are subjected to an investigation for official misconduct to recover attorney’s fees;*

Senator Kurth moved the following amendment to **Amendment 8** which was adopted:

Amendment 8A (953384)—On page 1, line 24, after the period (.) insert: *The employing public agency shall pay the attorney’s fees if the charges are withdrawn or unfounded.*

Amendment 8 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 946** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator McKay, the rules were waived and time of recess was extended until completion of **SB 1108** and motions and announcements.

On motion by Senator Sebesta, the Senate resumed consideration of—

SB 1108—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for certain public records provided to and compiled by a criminal justice agency which contain active investigative information or active criminal intelligence information; providing an exemption for any court process used to secure such information; providing an exemption for such agency’s records which are related to any complaint making, or any inquiry or investigation by the agency into allegations of misconduct or crimes committed by a public servant and any court process used to secure such records for a period not to exceed 3 years after the conclusion of the active criminal investigation; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—which was previously considered March 15. Pending **Amendment 1 (224716)** by the Committee on Criminal Justice failed.

The Committee on Criminal Justice recommended the following amendments which were moved by Senator Sebesta and failed:

Amendment 2 (832104)(with title amendment)—On page 2, lines 19-29, delete those lines

And the title is amended as follows:

On page 1, lines 10-18, delete those lines and insert: such information; providing for future review and

Amendment 3 (140090)—On page 3, line 4 through page 5, line 13, delete those lines and insert:

Section 3. *Investigations of alleged misconduct by public officials often carry with them high interest by the press and media. The Legislature recognizes that often such an investigation requires the compilation of public records documents from other public entities. Frequently, criminal investigative agencies holding such records receive requests under the public records law for copies of all such records. The disclosure allows confidential aspects of an ongoing criminal investigation to be discerned by the person making the public records request. As a result, the complainant's name is often publicized and the complainant can easily become victim to recrimination from the subject of the complaint. Perceptions of such victimization create a strong disincentive to report public misconduct. Also, dealing with such requests diverts criminal investigators from their investigation, since they have to assist in preparing the investigative agency's response to the public records request. The Legislature believes that records in the possession of an originating agency should always remain public records. Public records or copies of public records that have been compiled by a criminal investigative agency as part of an ongoing investigation should be exempt from public disclosure in order to promote more effective investigative efforts by helping to ensure that elements of the investigation are not made public while the investigation is pending and by assuring that investigators can continue working on the investigation instead of taking time to respond to numerous public records requests. As a public policy, this state should encourage persons to report any allegations of criminal activity by public servants and should foster an atmosphere in which those considering whether to come forward with their concerns are assured that their identities will remain confidential if needed. The Legislature intends that potential complainants be placed on notice that their identities will remain confidential as a means of encouraging reports of wrongdoing. The Legislature intends to exempt information revealing the identity of a confidential informant from public disclosure. The Legislature recognizes that such persons already may be considered confidential informants under the existing law, but believes specifically that listing the persons will serve to assure potential complainants that they are, in fact, confidential informants.*

Senator Sebesta moved the following amendment:

Amendment 4 (503114)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (3) of section 119.07, Florida Statutes, is amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(3)

(c) Any information revealing the identity of a confidential informant or a confidential source is *confidential* and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution, and may be released only by an order of the court and upon a showing of good cause.

Section 2. *Section 1 is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2005, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 3. *Investigations of alleged misconduct by public officials often carry with them high interest by the press and media. The disclosure of investigative case file information can allow confidential aspects of an ongoing criminal investigation to be discerned by the person making the public records request. As a result, the identity of a confidential informant or confidential source is often revealed and the confidential informant or confidential source can easily become victim to recrimination from the subject of the complaint. Perceptions of such victimization create a strong disincentive to report public misconduct. As a public policy, this state should encourage persons to report any allegations of criminal activity by public servants and should foster an atmosphere in which those considering whether to come forward with their concerns are*

assured that their identities will remain confidential if needed. The Legislature intends that potential complainants, confidential informants, and confidential sources be placed on notice that their identities will remain confidential and exempt from disclosure as a means of encouraging reports of wrongdoing. The Legislature intends to exempt information revealing the identity of confidential informants and confidential sources from public disclosure. The Legislature recognizes that such persons already may be considered confidential informants under the existing law, but believes specifically that listing the persons will serve to assure potential confidential informants, confidential sources, or complainants that they are, in fact, confidential informants. The Legislature believes that these exemptions strike the best balance between the public's right of access to public agency files and the need to maintain an appropriate level of confidentiality of allegations even after investigative efforts have been concluded.

Section 4. This act shall take effect July 1, 2000.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing that the identity of confidential informants or confidential sources is exempt from disclosure; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

Senator Sebesta moved the following amendment to **Amendment 4** which was adopted:

Amendment 4A (913134)—On page 2, line 22 through page 3, line 3, delete those lines and insert: *Legislature intends to make confidential and exempt information revealing the identity of confidential informants and confidential sources from public disclosure.*

Amendment 4 as amended was adopted.

Pursuant to Rule 4.19, **SB 1108** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator McKay, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Tuesday, March 21.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, March 21, 2000: CS for CS for SB's 852, 2 and 46, CS for SB 1002, SB 990, SB 748, CS for SB 50, CS for SB 850, SB 92, SB 130, SB 1264, SB 842, SB 836, CS for SB 358, CS for SB 682, CS for SB 288, CS for SB 708, SB 1220, CS for SB 212, SCR 918, SCR 1168, CS for SB 1222, CS for SB 758, CS for SB 372, SB 8, CS for SB 10, SB 12, SB 14, CS for SB 38, SB 42

Respectfully submitted,
John McKay, Chairman

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1756 with 2 amendments

The bill was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Agriculture and Consumer Services recommends the following pass: SB 1848

The bill was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1166

The Committee on Criminal Justice recommends the following pass: SB 312 with 1 amendment, SB 838

The Committee on Ethics and Elections recommends the following pass: SB 1652

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 820

The bills contained in the foregoing reports were referred to the Committee on Fiscal Policy under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1172

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 290, SB 766

The bills contained in the foregoing reports were referred to the Committee on Fiscal Resource under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1556

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1272, SB 1326 with 1 amendment

The Committee on Transportation recommends the following pass: SB 1092

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Agriculture and Consumer Services recommends the following pass: SB 1786

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1780 with 1 amendment

The Committee on Ethics and Elections recommends the following pass: SJR 244 with 1 amendment, SB 246 with 1 amendment

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1776 with 1 amendment, SB 1782 with 1 amendment

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 1764, SB 1766

The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Agriculture and Consumer Services recommends the following pass: SB 1378 with 1 amendment, SB 1550

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1118, SB 1396

The Committee on Criminal Justice recommends the following pass: SB 268 with 1 amendment

The Committee on Ethics and Elections recommends the following pass: SB 1656

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 370 with 1 amendment

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Criminal Justice recommends committee substitutes for the following: SB 232, SB 726

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 812

The Committee on Health, Aging and Long-Term Care recommends committee substitutes for the following: SB 420, SB 940

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Fiscal Policy under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1292

The bill with committee substitute attached was referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 840

The bill with committee substitute attached was referred to the Committee on Judiciary under the original reference.

The Committee on Agriculture and Consumer Services recommends a committee substitute for the following: SB 1114

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1132

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 868, Senate Bills 1834 and 694

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senators Thomas, King, Mitchell, McKay, Scott, Childers, Geller, Horne, Kirkpatrick, Diaz-Balart, Burt, Webster, Silver, Diaz de la Portilla, Casas, Myers, Sebesta, Rossin, Clary, Campbell, Grant, Dawson, Sullivan and Forman—

SB 2316—A bill to be entitled An act relating to facility designations; naming the football field at Florida State University in honor of Coach Bobby Bowden; providing a contingent effective date.

—was referred to the Committees on Education and Fiscal Policy.

By Senator Dawson—

SB 2318—A bill to be entitled An act relating to school emergency preparedness; amending s. 230.23, F.S.; requiring district school boards to establish emergency preparedness procedures for certain life-threatening emergencies; amending s. 232.465, F.S.; clarifying the requirement that procedures for life-threatening medical emergencies be adopted; amending s. 235.14, F.S.; requiring each district school board to adopt emergency management and emergency preparedness procedures according to minimum standards and model procedures established by the Department of Education; providing guidelines for the minimum standards and model procedures adopted by the department; amending s. 381.0056, F.S.; requiring school health services plans to include provisions for infectious material exposure control; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By Senator Sebesta—

SB 2320—A bill to be entitled An act relating to the Cultural Endowment Program; amending s. 265.606, F.S.; revising the types of instruments into which the trustees may invest, to include any investment-quality financial instruments; providing an effective date.

—was referred to the Committee on Governmental Oversight and Productivity.

By Senator Scott—

SB 2322—A bill to be entitled An act relating to state leases; prohibiting state agencies from terminating leases before July 1, 2002, and providing guidelines for such terminations; providing for the adoption of rules; providing rights for owners of properties upon which state leases are terminated; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Children and Families; Commerce and Economic Opportunities; and Fiscal Policy.

By Senator Lee—

SB 2324—A bill to be entitled An act relating to gambling; prohibiting certain gambling activity from being conducted on vessels that embark and disembark within the state; providing a penalty; amending s. 550.135, F.S.; providing for refunds of certain funds in the Pari-mutuel Wagering Trust Fund; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Economic Opportunities; and Fiscal Resource.

By Senator Lee—

SB 2326—A bill to be entitled An act relating to information technology; providing legislative intent regarding incentives for certain businesses; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Economic Opportunities; and Fiscal Resource.

By Senator Lee—

SB 2328—A bill to be entitled An act relating to information technology; providing legislative intent relating to advanced communications networks and information technologies; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Economic Opportunities; and Fiscal Resource.

By Senators Brown-Waite and Diaz-Balart—

SB 2330—A bill to be entitled An act relating to elderly affairs; amending s. 20.41, F.S.; revising organization and duties of the Department of Elderly Affairs; amending ss. 110.501, 408.036, F.S.; conforming cross-references; amending s. 400.404, F.S.; revising exemptions for licensure as an assisted living facility; amending s. 400.618, F.S.; revising exemptions from licensure as an adult family-care home; amending s. 409.904, F.S.; requiring the Agency for Health Care Administration to assign to the Department of Elderly Affairs, through interagency agreement, certain responsibilities under the Medicaid program; transferring, renumbering, and amending s. 410.502, F.S., relating to housing and living arrangements for elderly persons; amending s. 430.01, F.S., relating to short title of ch. 430, F.S.; creating s. 430.016, F.S.; providing for release of confidential information to governmental entities or parties contracting with the department; amending s. 430.03, F.S.; revising purposes of the department; creating s. 430.035, F.S.; providing definitions; creating s. 430.045, F.S.; authorizing the Department of Elderly Affairs to secure patents, copyrights, and trademarks; providing for

deposit and use of certain proceeds; amending s. 430.05, F.S., relating to the Department of Elderly Affairs Advisory Council; creating s. 430.065, F.S.; providing for designation of area agencies on aging; providing for operation; providing conditions for rescinding a designation; providing for open records and meetings; requiring the department to adopt rules; amending s. 430.07, F.S.; establishing a statewide program for the use of volunteers to provide services to elderly persons; providing program responsibilities; requiring the department to adopt certain rules; abolishing the Office of Volunteer Community Service; amending s. 430.071, F.S.; revising provisions relating to the "Respite for Elders Living in Everyday Families" (RELIEF) program; requiring the department to adopt certain rules; amending s. 430.202, F.S.; revising legislative intent for the community care for the elderly program; amending s. 430.205, F.S.; providing program organization, guidelines, and service requirements; requiring the department to adopt certain rules; creating s. 430.2055, F.S.; providing for community care for the elderly service contracts and copayments; providing for funding and restricting use of certain funds; requiring the department to adopt rules; amending s. 430.206, F.S.; providing for establishment and functions of multiservice senior centers; providing for reversion of state funds; requiring notice to the department prior to sale of a center; amending s. 430.207, F.S., relating to confidentiality of information; amending s. 430.41, F.S.; revising provisions relating to the department's Grants and Donations Trust Fund; transferring and renumbering s. 430.42, F.S., relating to insurance; creating s. 430.43, F.S.; providing for time-limited project, grant, or trust fund personnel; creating s. 430.5011, F.S.; providing a short title; transferring, renumbering, and amending s. 430.501, F.S.; revising provisions relating to the Alzheimer's Disease Advisory Committee; amending s. 430.502, F.S.; revising provisions relating to establishment of memory disorder clinics; providing rulemaking authority; amending s. 430.503, F.S.; providing for copayments for certain services; amending s. 430.504, F.S., relating to confidentiality of information; amending ss. 430.601, 430.603, 430.604, 430.605, F.S.; revising provisions relating to home care for the elderly and subsidies therefor; expanding rulemaking authority of the department; amending ss. 430.701, 430.702, 430.703, 430.705, 430.707, F.S.; revising provisions relating to the "Long-Term Care Community Diversion Pilot Project Act"; providing additional requirements for implementation of projects and contracts with managed care organizations to provide care; transferring and renumbering s. 430.80, F.S., relating to a teaching nursing home pilot project; repealing ss. 430.02, 430.04, F.S., relating to legislative intent and duties and responsibilities of the Department of Elderly Affairs; repealing s. 430.101, F.S., relating to administration of federal aging programs; repealing ss. 430.203, 430.204, F.S., relating to definitions, core services, and duties of the department under the community care for the elderly program; repealing s. 430.602, F.S., relating to definitions under the home care for the elderly program; repealing ss. 430.704, 430.706, F.S., relating to evaluation of long-term care through community diversion pilot projects, and quality of care standards for such pilot projects; repealing s. 430.710, F.S., relating to the long-term care interagency advisory council; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By Senator Clary—

SB 2332—A bill to be entitled An act relating to rural areas of critical economic concern; creating s. 288.06562, F.S.; providing a definition; authorizing insurance carriers to issue a premium credit on workers' compensation premiums for employers who own an existing business or open a new business in such an area; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Commerce and Economic Opportunities.

By Senator Mitchell—

SB 2334—A bill to be entitled An act relating to property taxes; amending s. 193.621, F.S.; defining the term "facility" for purposes of ad valorem tax assessments of pollution-control devices; providing for improvements used to control pollution and certain facilities used in connection with a poultry-raising operation to be assessed at a value no

greater than the facility's market value as salvage; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Agriculture and Consumer Services; and Fiscal Resource.

By Senator Webster—

SB 2336—A bill to be entitled An act relating to classification and placement of juveniles; amending s. 985.03, F.S.; revising definitions relating to restrictiveness levels; amending s. 985.21, F.S.; providing additional intake screening requirements; amending s. 985.215, F.S.; providing for a special detention order to allow comprehensive evaluation upon a finding of delinquency; amending s. 985.229, F.S.; authorizing a predispositional report upon a finding of delinquency; requiring a predispositional report for a child for whom residential commitment disposition is anticipated or recommended; requiring the predispositional report to include a comprehensive evaluation; providing a time certain for the submission of the predispositional report; specifying parties who may receive copies of the predispositional report; amending s. 985.23, F.S.; requiring the court to consider recommendations of the Department of Juvenile Justice at disposition; requiring the court to state for the record reasons for deviating from the recommendations of the department; allowing the court to make treatment recommendations to the department; amending s. 985.231, F.S.; providing that the child's length of stay in a residential commitment program shall be based on objective performance-based treatment planning; requiring monthly progress reports to the court; authorizing extension of the child's length of stay if the child fails to comply with or participate in treatment activities; prohibiting extension of the child's length of stay for purposes of sanction or punishment; requiring any temporary release to be approved by the court; requiring communication to the court of the child's treatment plan progress and adjustment-related issues upon request to release the child; amending s. 985.404, F.S.; requiring notice of intent to transfer a child from a commitment facility or program; creating a workgroup to make recommendations for a system of classification and placement; providing minimum considerations; providing minimum membership; providing for testing and validation of the system; providing for a report to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Fiscal Policy.

By Senators Hargrett and Dawson—

SB 2338—A bill to be entitled An act relating to economic development; providing for the establishment of the Florida-Africa Trade Program by the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; providing purpose of the program; providing responsibilities of the Office of Tourism, Trade, and Economic Development; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Fiscal Policy.

By Senators Hargrett and Holzendorf—

SB 2340—A bill to be entitled An act relating to the "One-Florida Initiative"; expressing the legislative intent to retain statutory goals on the participation of minority business enterprises in state contracting; providing for the creation, membership, and purpose of the Commission on Minority-Business-Enterprise Contracting; requiring a report; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Commerce and Economic Opportunities; and Rules and Calendar.

By Senator Latvala—

SB 2342—A bill to be entitled An act relating to mobile home parks; amending s. 723.003, F.S.; defining the term "pass-through charge"; limiting pass-through charges; amending s. 723.005, F.S.; authorizing the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation to enforce provisions relating to unreasonable lot rentals; amending s. 723.004, F.S.; empowering local governments to establish alternative dispute resolution forums; amending s. 723.011, F.S.; revising provisions relating to the division's role in approving prospectuses; requiring copies of prospectuses to be maintained and provided to mobile home owners, upon request; amending s. 723.012, F.S.; requiring prospectuses to disclose when they were deemed adequate by the division and requiring that they include a notice that the rent should be expected to increase; amending s. 723.021, F.S.; authorizing the division to take certain action against parties not acting in good faith; amending s. 723.022, F.S.; requiring park owners to maintain certain plant materials; amending s. 723.033, F.S.; providing judicial guidelines for determining unreasonable rent increases; amending s. 727.037, F.S.; requiring the division to maintain certain records; providing that a park owner is bound by a required summary of rental increase factors; authorizing parties to petition the division for a good-faith determination; amending s. 723.059, F.S.; deleting a requirement that a park owner approve prospective purchases of homes; providing seller's duties; requiring notice of proposed rental increases to purchasers; amending s. 320.77, F.S.; redefining the term "mobile home broker"; providing an effective date.

—was referred to the Committees on Regulated Industries; and Comprehensive Planning, Local and Military Affairs.

By Senator Diaz-Balart—

SB 2344—A bill to be entitled An act relating to health care; directing the Department of Health and the Agency for Health Care Administration to convene a task force to identify and implement strategies to improve quality control and quality assurance for the state's health care delivery system; providing for a chair of the task force; providing for a report to the Legislature; providing for abolition of the task force; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Governmental Oversight and Productivity.

By Senator Silver—

SB 2346—A bill to be entitled An act relating to port area improvement; creating the "Port Area Improvement Authority Act"; providing legislative findings and intent; defining terms; providing for the creation of port area improvement authorities in highly populated counties with major cruise ship ports; providing for the management of authorities; providing for the powers of an authority; providing authority to levy a cruise passenger surcharge subject to a referendum; providing for cruise passenger surcharge collection; providing for criminal penalties; authorizing the use of bonds to fund projects; providing for a tax exemption on bonds; providing for limitations on damages; providing for dissolution of an authority; providing severability; providing for liberal construction; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Fiscal Resource.

By Senator Silver—

SB 2348—A bill to be entitled An act relating to older adult mental health and substance abuse services; providing a short title; providing legislative intent; directing the Department of Children and Family Services to develop a comprehensive plan for a mental health and substance abuse service delivery system for older adults; providing plan requirements; requiring reports; requiring collection and analysis of data; specifying populations to be served; providing for performance measures; requiring annual review thereof; directing the department to

establish services, within available resources; directing the department to adopt by rule certain statewide standards; providing for a service planning process; providing for case management services; providing training requirements for service providers; directing the department to develop public education and outreach programs; providing for enhancement of existing community mental health and substance abuse systems; providing for solicitation of enhancement projects to be funded on a competitive basis; providing for project evaluation; requiring a report; providing for a consortium to oversee older adult interagency system of care demonstration models; providing for establishment of a local oversight body for each demonstration model; providing for purpose, funding, and evaluation of demonstration models; requiring a report; providing rulemaking authority; providing authority to seek certain federal waivers; providing an effective date.

—was referred to the Committees on Children and Families; Governmental Oversight and Productivity; and Fiscal Policy.

By Senator Silver—

SB 2350—A bill to be entitled An act relating to child deaths; creating the “Florida Child Death Review Act”; providing legislative policy and intent; creating a Child Death Review Committee within the Department of Health; providing for membership of the committee; specifying the duties of the committee; providing for terms of office; providing for members of the committee to be reimbursed for expenses; providing for counties to establish local child death review committees; providing for membership and duties; authorizing the review committees to have access to information pertaining to the death of a child; authorizing the State Child Death Review Committee to issue subpoenas; providing immunity from liability for members of the committees and employees; requiring that the Department of Health administer the funds appropriated to operate the review committees; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Fiscal Policy.

By Senator Silver—

SB 2352—A bill to be entitled An act relating to public records and meetings; providing that confidential information obtained by the State Child Death Review Committee, a local committee, or a panel or committee assembled by either, or by a hospital or health care practitioner from any of those entities, shall remain confidential; providing an exemption from public records and public meeting requirements for specified records and meetings of the state committee, a local committee, or a panel or committee assembled by either, relating to child fatalities; providing a penalty; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Campbell—

SB 2354—A bill to be entitled An act relating to general regulatory administration of the health care professions; amending s. 455.564, F.S.; revising general licensing provisions for professions under the jurisdiction of the Department of Health; providing for processing of applications from foreign or nonresident applicants not yet having a social security number; providing for temporary licensure of such applicants; revising provisions relating to ongoing criminal investigations or prosecutions; requiring proof of restoration of civil rights under certain circumstances; authorizing requirement for personal appearance prior to grant or denial of a license; providing for tolling of application decision deadlines under certain circumstances; amending s. 455.565, F.S.; eliminating duplicative submission of fingerprints and other information required for criminal history checks; providing for certain access to criminal history information through the department’s health care practitioner credentialing system; creating s. 455.56505, F.S.; requiring all health care practitioners seeking licensure or renewed licensure in a profession under jurisdiction of the department to submit information

and fingerprints for profiling purposes; amending s. 455.5651, F.S.; authorizing the department to publish certain information in practitioner profiles; amending s. 455.5653, F.S.; deleting obsolete provisions relating to scheduling and development of practitioner profiles for additional health care practitioners; providing the department access to information on health care practitioners maintained by the Agency for Health Care Administration for corroboration purposes; amending s. 455.5654, F.S.; providing for adoption by rule of a form for submission of profiling information; amending s. 455.567, F.S.; expanding the prohibition against sexual misconduct to cover violations against guardians and representatives of patients or clients; providing penalties; amending s. 455.574, F.S.; providing for determination of the amount of the examination fee when the board or department purchases the examination; amending s. 455.624, F.S.; revising and providing grounds for disciplinary action relating to having a license to practice a regulated health care profession acted against, sexual misconduct, inability to practice properly due to alcohol or substance abuse or a mental or physical condition, and testing positive for a drug without a lawful prescription therefor; providing for restriction of license as a disciplinary action; providing for issuance of a citation and assessment of a fine for certain first-time violations; reenacting ss. 455.577, 455.631, 455.651(2), 455.712(1), 458.347(7)(g), 459.022(7)(f), 468.1755(1)(a), 468.719(1)(a) and (2), 468.811, and 484.056(1)(a), F.S., relating to theft or reproduction of an examination, giving false information, disclosure of confidential information, business establishments providing regulated services without an active status license, and practice violations by physician assistants, nursing home administrators, athletic trainers, orthotists, prosthetists, pedorthists, and hearing aid specialists, to incorporate the amendment to s. 455.624, F.S., in references thereto; repealing s. 455.704, F.S., relating to the Impaired Practitioners Committee; amending s. 455.707, F.S., relating to impaired practitioners, to conform; clarifying provisions relating to complaints against impaired practitioners; amending s. 310.102, F.S.; revising and removing references, to conform; amending s. 455.711, F.S.; revising provisions relating to active and inactive status licensure; eliminating reference to delinquency as a licensure status; providing rulemaking authority; amending ss. 455.587 and 455.714, F.S.; conforming references; creating s. 455.719, F.S.; providing that the appropriate medical regulatory board, or the department when there is no board, has exclusive authority to grant exemptions from disqualification from employment or contracting with respect to persons under the licensing jurisdiction of that board or the department, as applicable; amending s. 943.0585, F.S.; providing expunged criminal history records to the department under certain circumstances; providing an appropriation for continued review of clinical laboratory services for kidney dialysis patients and requiring a report thereon; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By Senator Dawson—

SB 2356—A bill to be entitled An act relating to the presidential preference primary; amending s. 103.101, F.S.; changing the date of the presidential preference primary; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By Senators Mitchell and Forman—

SB 2358—A bill to be entitled An act relating to military affairs; creating s. 250.115, F.S.; providing for the organization and operation of a direct-support organization for the Department of Military Affairs and the Florida National Guard; providing definitions; providing for a board of directors; providing for the use of property, facilities, and personal services of the Department of Military Affairs by the direct-support organization; providing restrictions; providing for submission of annual budgets and reports; providing for annual audit; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Fiscal Policy.

By Senator Sullivan—

SB 2360—A bill to be entitled An act relating to the motor vehicle industry; creating within the Department of Highway Safety and Motor Vehicles the Task Force Committee on the Motor Vehicle Industry to study the motor vehicle sales industry and problems associated with licensing requirements, foreign dealers, the sale of vehicles by unlicensed dealers, and the various ways vehicles are sold in today's market; providing for per diem and travel expenses; providing for a report; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Productivity; and Fiscal Policy.

By Senator Sullivan—

SB 2362—A bill to be entitled An act relating to real estate brokers; amending s. 475.25, F.S.; authorizing brokers to give certain price or value opinions; amending s. 475.278, F.S.; clarifying provisions; exempting brokers from disclosure requirements with respect to specific transactions; amending s. 475.612, F.S.; authorizing brokers to give certain price or value opinions; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Holzendorf—

SB 2364—A bill to be entitled An act relating to education; creating the "Education Investment Act of 2000"; providing definitions; providing legislative intent for certain investments and enhancements; authorizing certain programs; authorizing improved curriculum; requiring improved counseling ratios in certain schools; authorizing a test preparation program for certain students; providing for separation of open enrollment programs within schools for certain purposes; authorizing expanded student assistance programs at universities; authorizing fee waivers for students and former students of certain schools; authorizing rules of the Department of Education; authorizing state-funded test-preparation courses for certain students; authorizing a salary bonus for certain teachers; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

SR 2366—Not referenced.

By Senator King—

SB 2368—A bill to be entitled An act relating to motor vehicle drivers; amending s. 316.650, F.S.; requiring a traffic school reference guide to be issued with traffic citations; amending s. 318.14, F.S.; deleting a limit on the number of times a person may elect to attend a basic driver improvement course in lieu of a court appearance; amending s. 318.1451, F.S.; establishing a fee for persons attending such courses under court order; amending s. 322.0261, F.S.; requiring certain persons involved in crashes to attend such courses; creating s. 322.02615, F.S.; requiring certain persons who have been convicted or have pled nolo contendere to moving infractions to attend such courses; amending s. 322.05, F.S.; requiring persons under 18 years of age to attend a driver's education course before receiving a driver's license; providing an effective date.

—was referred to the Committee on Transportation.

By Senator King—

SB 2370—A bill to be entitled An act relating to cocaine-addicted mothers; expressing the legislative intent to create a study commission to study this problem; providing an effective date.

—was referred to the Committees on Children and Families; Governmental Oversight and Productivity; and Fiscal Policy.

By Senators Sullivan and Myers—

SCR 2372—A concurrent resolution naming the legislative clinic in honor of Dr. Edward G. Haskell, Jr.

—was referred to the Committee on Rules and Calendar.

By Senator Kirkpatrick—

SB 2374—A bill to be entitled An act relating to vocational rehabilitation; amending s. 120.80, F.S.; providing that hearings on certain vocational rehabilitation determinations by the Occupational Access and Opportunity Commission need not be conducted by an administrative law judge; amending s. 413.83, F.S.; specifying that appointment of private citizens to the commission is not subject to Senate confirmation; eliminating a requirement that the Governor name the chairman of the commission; eliminating a requirement that the Rehabilitation Council serve the commission; clarifying the entitlement of commission members to reimbursement for certain expenses; amending s. 413.84, F.S.; revising required elements of the 5-year plan prepared by the commission; expanding the authority of the commission to contract with a designated administrative entity; removing a requirement for federal approval to contract with a direct-support organization; authorizing the commission to appear on its own behalf before the Legislature; amending s. 413.85, F.S.; eliminating limitations on the tax status of the Occupational Access and Opportunity Corporation; specifying that the corporation is not an agency for purposes of certain government procurement laws; applying provisions relating to waiver of sovereign immunity to the corporation; providing that the board of directors of the corporation be composed of the commission membership; authorizing the corporation to hire certain individuals employed by the Division of Vocational Rehabilitation; providing for a lease agreement governing such employees; prescribing terms of such lease agreement; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; Ethics and Elections; and Fiscal Policy.

By Senator Grant—

SB 2376—A bill to be entitled An act relating to Medicaid prescribed-drug services; amending s. 409.912, F.S.; providing for a Medicaid preferred-drug designation program and drug cost-containment initiatives; prescribing criteria for the designation of preferred drugs; creating a pharmacy and therapeutics committee for the program and prescribing its membership and duties; providing for reimbursement of members for travel and expenses; requiring reports; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Fiscal Policy.

By Senator Kirkpatrick—

SB 2378—A bill to be entitled An act relating to the Local Government Financial Emergencies Act; amending ss. 218.50-218.504, F.S.; making provisions of the act applicable to district school boards; modifying definitions and purpose; modifying conditions for determining a financial emergency; requiring district school boards to notify the Commissioner of Education and the Legislative Auditing Committee when such conditions exist; prescribing actions to be taken by the commissioner upon notification; providing that on a specified date funds expended to support actions under the act to resolve a financial emergency must be reimbursed to the state; providing an effective date.

—was referred to the Committees on Education; and Comprehensive Planning, Local and Military Affairs.

By Senator Casas—

SB 2380—A bill to be entitled An act relating to the Bay of Pigs and Operation Mongoose Historical Site and Memorial; designating the site;

establishing an oversight board and providing for membership on the board; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Dyer—

SB 2382—A bill to be entitled An act relating to the official census of Florida; amending s. 11.031, F.S.; establishing the federal decennial census determined by the use of modern statistical methods as the official census of the state; providing that all acts of the Legislature based upon population and all constitutional apportionments and congressional redistrictings shall be based upon such census; providing for effect with respect to prior enacted legislation affecting counties within a stated population bracket; amending s. 1.01, F.S.; revising a provision relating to construction of the statutes, to conform; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Ethics and Elections.

By Senator Latvala—

SB 2384—A bill to be entitled An act relating to driving under the influence; amending s. 316.1937, F.S.; requiring certain persons who have been convicted of driving under the influence to operate a motor vehicle with an ignition interlock device; providing for certain court-ordered requirements; providing a penalty for tampering with the device; directing the Department of Highway Safety and Motor Vehicles to require certain persons supervised by a licensed DUI program and participating in special supervision services to operate a motor vehicle with an ignition interlock device; providing for monitoring; providing an effective date.

—was referred to the Committees on Transportation, Criminal Justice and Fiscal Policy.

By Senator Forman—

SB 2386—A bill to be entitled An act relating to public records; providing an exemption from the public records requirements for information that reveals the identify of applicants and recipients of child-support services in the possession of a non-Title IV-D county child-support-enforcement agency; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Children and Families; and Rules and Calendar.

By Senator King—

SB 2388—A bill to be entitled An act relating to banking; amending s. 658.12, F.S.; clarifying the term “banker’s bank”; providing legislative intent specifying certain deposits as pay-on-death-designated accounts under certain circumstances; repealing s. 655.81, F.S., relating to deposits in trust; providing application; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Thomas—

SB 2390—A bill to be entitled An act relating to elderly offenders; amending s. 944.02, F.S.; providing a definition of the term “elderly offender”; creating s. 944.804, F.S.; providing legislative findings; requiring the Correctional Privatization Commission to issue a request for proposals for the establishment and operation of an exclusively geriatric facility for elderly offenders at the current River Junction Correctional Institution site; authorizing certain contracts; providing for request for proposals; requiring the commission to oversee facility operation; requiring the Department of Corrections to develop rules specifying eligibility

for the facility; providing specific legislative intent for implementation of rules; requiring a study; amending ss. 120.81, 413.051, 414.40, F.S.; correcting cross references; providing an effective date.

—was referred to the Committees on Criminal Justice and Fiscal Policy.

By Senator Campbell—

SB 2392—A bill to be entitled An act relating to tattooing; amending s. 877.04, F.S.; providing requirements regarding the tattooing of minors; requiring a review of the need for regulation of the tattooing industry to be conducted; providing an effective date.

—was referred to the Committees on Regulated Industries; and Governmental Oversight and Productivity.

By Senator Campbell—

SB 2394—A bill to be entitled An act relating to public records; amending s. 455.5656, F.S.; providing exemption from public records requirements for information obtained for practitioner profiles of health care practitioners not previously profiled; amending s. 943.0585, F.S.; providing exemption from public records requirements for expunged criminal history information on health care practitioners obtained for certain employment, licensure, or contracting purposes; providing a penalty; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Rules and Calendar.

By Senator Sebesta—

SB 2396—A bill to be entitled An act relating to the Florida State Boxing Commission; amending s. 548.002, F.S.; defining the term “second”; amending ss. 548.003, 548.041, 548.043, 548.046, 548.049, F.S.; requiring the commission to have a physician member; adding requirements governing facilities, safety, participants, representatives; other personnel and their responsibilities, and the weighing of participants; prescribing licensure requirements and providing for suspension or revocation of licenses under specified circumstances; conforming provisions; providing for drug testing; increasing insurance requirements; amending s. 548.008, F.S.; revising provisions prohibiting toughman or bad-man competition and increasing penalties with respect to violations of such prohibition; creating s. 548.024, F.S.; authorizing background investigations of applicants for licensure; amending s. 548.05, F.S.; adding requirements regarding contracts; amending s. 548.057, F.S.; adding requirements regarding judges; amending s. 548.074, F.S.; revising provisions relating to investigative powers; amending s. 548.079, F.S.; providing a penalty for the submission of false information; repealing s. 548.045, F.S., which creates a medical advisory council; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Sebesta—

SB 2398—A bill to be entitled An act relating to forensic laboratories; requiring the Board of Regents and the State Board of Community Colleges to establish a loan forgiveness program for eligible students who commit to work in an approved state or federal forensic laboratory after graduation; requiring that the Board of Regents and the State Board of Community Colleges consult with the Department of Law Enforcement in establishing criteria for participation by students and educational institutions in the loan forgiveness program; providing an effective date.

—was referred to the Committees on Education, Criminal Justice and Fiscal Policy.

By Senator Sebesta—

SB 2400—A bill to be entitled An act relating to children in need of services; expressing legislative intent to authorize a law enforcement officer to intervene on behalf of a first-time runaway child and initiate services to reunite the child and family; providing an effective date.

—was referred to the Committees on Children and Families; Criminal Justice; and Fiscal Policy.

By Senator Sebesta—

SB 2402—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing that the exemption set forth in s. 212.08(7)(eee), F.S., for certain repair and labor charges applies to industries classified under SIC Code 35; provides for retroactivity; provides an effective date.

—was referred to the Committees on Fiscal Resource; and Commerce and Economic Opportunities.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Criminal Justice and Senator Silver—

CS for SB 232—A bill to be entitled An act relating to trust funds; creating s. 946.522, F.S.; creating the Prison Industries Trust Fund; providing for administration of the trust fund; providing for sources of moneys in the trust fund and purposes for which they may be used; exempting the trust fund from s. 215.20, F.S.; providing for carryover of the balance from one fiscal year to the next; providing that the trust fund is not subject to s. 19(f)(2), Art. III of the State Constitution; amending s. 946.512, F.S.; providing that certain funds are to be deposited into the Prison Industries Trust Fund rather than the Correctional Work Program Trust Fund; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Clary—

CS for SB 420—A bill to be entitled An act relating to certificates of need; amending s. 400.471, F.S.; deleting the certificate-of-need requirement for licensure of Medicare-certified home health agencies; amending s. 408.032, F.S.; adding definitions of “exemption” and “mental health services”; revising the term “health service”; deleting the definitions of “home health agency,” “institutional health service,” “intermediate care facility,” “multifacility project,” and “respite care”; amending s. 408.033, F.S.; deleting references to the state health plan; amending s. 408.034, F.S.; deleting a reference to licensure of home health agencies by the Agency for Health Care Administration; amending s. 408.035, F.S.; deleting obsolete certificate-of-need review criteria and revising other criteria; amending s. 408.036, F.S.; revising provisions relating to projects subject to review; deleting references to Medicare-certified home health agencies; deleting the review of certain acquisitions; specifying the types of bed increases subject to review; deleting cost overruns from review; deleting review of combinations or division of nursing home certificates of need; providing for expedited review of certain conversions of licensed hospital beds; deleting the requirement for an exemption for initiation or expansion of obstetric services, provision of respite care services, establishment of a Medicare-certified home health agency, or provision of a health service exclusively on an outpatient basis; providing exemptions for combinations or divisions of nursing home certificates of need and additions of certain hospital beds and nursing home beds within specified limitations; requiring a fee for each request for exemption; amending s. 408.037, F.S.; deleting reference to the state health plan; amending ss. 408.038, 408.039, 408.044, and 408.045, F.S.; replacing “department” with “agency”; clarifying the opportunity to challenge an intended award of a certificate of need; amending s. 408.040, F.S.; deleting an obsolete reference; revising the format of conditions related to Medicaid; creating a certificate-of-need workgroup within the Agency for Health Care Administration; providing for expenses; providing membership, duties, and meetings; providing for termination; amending s. 651.118, F.S.; excluding a specified number of beds from a

time limit imposed on extension of authorization for continuing care residential community providers to use sheltered beds for nonresidents; requiring a facility to report such use after the expiration of the extension; repealing s. 400.464(3), F.S., relating to home health agency licenses provided to certificate-of-need exempt entities; providing applicability; providing effective dates.

By the Committee on Criminal Justice and Senator Bronson—

CS for SB 726—A bill to be entitled An act relating to nitrous oxide; amending s. 877.111, F.S.; providing that it is a third-degree felony to distribute, sell, purchase, or possess more than a specified amount of nitrous oxide; allowing the use of nitrous oxide for specified purposes; providing that a person who discharges, or who aids another in discharging, nitrous oxide for subsequent inhalation creates an inference of the person’s knowledge that such nitrous oxide is for unlawful use; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Klein—

CS for SB 812—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.111, F.S.; amending conditions under which a member of the system may receive creditable service for certain military service; providing for increases in contribution rates which apply to various classes of the Florida Retirement System; providing for a reviser’s bill; providing legislative findings; providing an effective date.

By the Committee on Criminal Justice and Senators Carlton and McKay—

CS for SB 840—A bill to be entitled An act relating to criminal actions; defining the term “sexual abuse”; providing for the admissibility of a defendant’s confession or admission in specified sexual abuse cases without proof of a corpus delicti of the crime under certain conditions; providing for a court hearing; requiring corroborating evidence of the trustworthiness of the defendant’s confession or admission; allowing hearsay evidence at such hearing; requiring specific findings of fact by the court on the record; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator King—

CS for SB 868—A bill to be entitled An act relating to drug-free workplaces; amending s. 440.102, F.S.; requiring certain contractors to implement a drug-free workplace program under certain circumstances; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senators Lee, Brown-Waite, Silver, Clary, Latvala, Saunders and Kurth—

CS for SB 940—A bill to be entitled An act relating to delivery of health care services; creating a catastrophic pharmaceutical expense assistance program; providing eligibility; prescribing duties of the Agency for Health Care Administration and other entities; providing for rules; requiring a report; requiring pharmacies that participate in the program or in Medicaid to agree to limitations on compensation; providing for certain professional regulatory boards to adopt rules to discourage their respective practitioners from accepting certain types of compensation from pharmaceutical manufacturers; requiring disclosure of certain information relating to such compensation; providing legislative intent; providing appropriations; providing an effective date.

By the Committee on Agriculture and Consumer Services; and Senator Thomas—

CS for SB 1114—A bill to be entitled An act relating to protection of agriculture and horticulture; amending s. 581.091, F.S.; clarifying provisions with respect to a requirement to immediately inform the Department of Agriculture and Consumer Services upon receipt or possession of any noxious weed, plant, plant product, or regulated article infected or infested with any plant pest, declared to be a threat to the state's agricultural and horticultural interests, and to hold such weed, plant, or article for inspection; providing that it is unlawful to fail to disclose information regarding any infected or infested plant, plant product, regulated article, or noxious weed; amending s. 581.184, F.S.; defining the terms "infected or infested" and "exposed to infection" for purposes of the act; requiring the department to develop a statewide program of decontamination to prevent and limit the spread of citrus canker disease; providing program requirements; authorizing the department to develop specified compliance agreements and other agreements; requiring county sheriffs, upon request of the department, to provide assistance in obtaining access to private property for the purpose of enforcing citrus canker eradication efforts; specifying responsibilities of the sheriff; authorizing the department to reimburse the sheriff for reasonable costs of implementing the provisions of the act; providing for satisfaction of specified notice requirements; providing an effective date.

By the Committee on Criminal Justice and Senator Laurent—

CS for SB 1132—A bill to be entitled An act relating to violations of probation or community control; amending s. 948.06, F.S.; providing for the period of probation or community control for an offender to be tolled following the filing of an affidavit alleging a violation of the probation or community control and the issuance of a warrant; providing for reinstatement of a previously imposed period of probation or community control following dismissal of such an affidavit; providing an effective date.

By the Committee on Criminal Justice and Senator Brown-Waite—

CS for SB 1292—A bill to be entitled An act relating to correctional facilities; prohibiting specified contracts to house inmates from another state in correctional facilities within the state without approval of the regional planning council or specific legislative authorization; providing for submission of proposed contracts to the regional planning council and the Correctional Privatization Commission for review and approval; providing contract restrictions; providing for approval withdrawn for contracts; providing contract requirements; providing for written confirmation of specified compliance prior to contract approval; requiring private vendors to enter into a preliminary agreement with the Correctional Privatization Commission; providing conditions and requirements for preliminary agreements; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Latvala, Meek, Kurth and Saunders—

CS for SB's 1834 and 694—A bill to be entitled An act relating to consumer financial transactions; creating the "Fair Accountability in Interest Rates Act of 2000"; providing legislative intent; providing definitions; requiring licensure by the Department of Banking and Finance to act as a title loan lender; providing for application for licensure; requiring a bond, a nonrefundable application fee, a nonrefundable investigation fee, and fingerprinting; providing for waiver of fingerprinting; providing for inactive licenses; providing for renewal and reactivation of licenses; providing for a renewal fee and a reactivation fee; providing for disposition of certain moneys; providing for acquisition of an interest in a licensee under certain circumstances; providing for denial, suspension, or revocation of a license; specifying acts that constitute violations for which certain disciplinary actions may be taken; providing a fine; providing remedies for title loans made or serviced without licensure; providing for a title loan agreement; providing requirements; providing for reclaiming a repossessed motor vehicle under certain circumstances; providing entitlement to certain excess proceeds of a sale or disposal of a motor vehicle; providing for recordkeeping and reporting

and safekeeping of property; providing for title loan interest rates; providing requirements and limitations; providing for extensions; providing for return of principal and interest to the borrower under certain circumstances; providing a holding period when there is a failure to reclaim pledged property; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to reclaim; providing for lost title loan agreements; providing for a title loan lender's lien; providing for criminal penalties; providing for subpoenas, enforcement of actions, and rules; providing for investigations and complaints; authorizing the department to adopt rules; amending ss. 538.03, 538.16, F.S.; repealing provisions relating to title loan transactions; permitting more-restrictive local ordinances; providing an appropriation; repealing ss. 538.03(1)(i), 538.06(5), 538.15(4) and (5), F.S., relating to title loan transactions by secondhand dealers; amending s. 560.309, F.S.; prescribing deposit requirements for payment instruments; providing for severability; providing effective dates.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

GUBERNATORIAL APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Athletic Training Appointee: Goff, Karen D., Tallahassee	10/31/2002
Florida Building Commission Appointee: Harris, Peggy P., Winter Garden	05/01/2003
State Board of Independent Colleges and Universities Appointee: Youstra, George D., Clearwater	09/30/2002
Board of Nursing Appointees: Gotschall, Michael H., Winter Park Habgood, Mary Kay, Gainesville Underhill, Gloria A., Orlando	10/31/2003 10/31/2002 10/31/2003
Board of Pilot Commissioners Appointee: Hiers, John M., Ocala	10/31/2003
Big Cypress Basin Board of the South Florida Water Management District Appointee: Smallwood, JoAnn M., Naples	03/01/2003
Alafia River Basin Board of the Southwest Florida Water Management District Appointee: Kovach, Janet D., Riverview	03/01/2003
Coastal Rivers Basin Board of the Southwest Florida Water Management District Appointee: Lambert, Martha S., Weeki Wachee	03/01/2003
Hillsborough River Basin Board of the Southwest Florida Water Management District Appointee: Jackson, Janet A., Lakeland	03/01/2003
Peace River Basin Board of the Southwest Florida Water Management District Appointee: Reynolds, Gregory S., Lake Placid	03/01/2003
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District Appointee: England, Terry M., Indian Rocks Beach	03/01/2003
Governing Board of the Suwannee River Water Management District Appointee: Andrews, Kelby E., Chiefland	03/01/2004
[Referred to the Committee on Gubernatorial Appointments and Confirmations.]	

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 181 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committees on Governmental Operations; Rules and Calendar; and Representative Arnall and others—

CS for CS for HB 181—A bill to be entitled An act relating to financial disclosure by persons assuming or departing public positions; amending s. 112.3144, F.S.; requiring former officers and employees to file a final disclosure of financial interests no later than 60 days following departure, with certain exceptions; requiring certain notice be provided to those required to file financial disclosure; amending s. 112.3145, F.S.; redefining the terms “local officer” and “state officer” to include certain elected individuals who have not officially assumed the responsibilities of office; requiring former officers and employees to file a final statement of financial interests within 60 days after leaving office or employment, with certain exceptions; requiring certain notice be provided to those required to file financial disclosure; amending s. 112.3146, F.S.; specifying that certain financial disclosure statements are public records; amending s. 112.3147, F.S.; directing the Commission on Ethics to prescribe forms for financial disclosure statements; amending s. 112.3148, F.S.; redefining the term “reporting individual” with respect to the receipt of gifts; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Fiscal Policy.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 446, SB 448, SB 450, SB 452, SB 454, SB 456, SB 458, SB 460, SB 462, SB 464, SB 466, SB 468, SB 470, SB 472, SB 474, SB 476, SB 478, SB 480, SB 482, SB 484, SB 486, SB 488, SB 490, SB 492, SB 494, SB 496, SB 498, SB 500, SB 502, SB 504, SB 506, SB 508, SB 510, SB 512, CS for SB 514, SB 516, SB 518, SB 520, SB 522, SB 524, SB 526, CS for SB 528, CS for SB 530, SB 532, SB 534, SB 536, CS for SB 538, SB 540, SB 542, SB 544, CS for SB 546, SB 548, SB 550, SB 552, SB 554, SB 556, SB 558, SB 560, SB 562, SB 564, SB 566, SB 568, SB 570, SB 572, SB 574, SB 576, SB 578, SB 580, SB 582, SB 584, SB 586, SB 588, SB 590, SB 592, SB 594, SB 596, SB 598, CS for SB 600, SB 602, SB 604, SB 608, SB 610, SB 612, SB 614, SB 616, SB 618, SB 620, SB 622, SB 624, SB 626, SB 628, SB 630, SB 632, SB 634, SB 636, SB 638, SB 640, SB 642, SB 644, SB 646, CS for SB 648, SB 650, SB 652, SB 654, SB 656, SB 658, and SB 660 by the required Constitutional three-fifths vote of the membership of the House.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 15 was corrected and approved.

CO-SPONSORS

Senators Bronson—SB 1604; Grant—SB 1302

RECESS

On motion by Senator McKay, the Senate recessed at 3:06 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Tuesday, March 21.